

**As Reported by the Committee of Conference
(Corrected Version)**

125th General Assembly

Regular Session

2003-2004

Am. Sub. H. B. No. 95, Part I

Representative Calvert

Senators Harris, DiDonato, Carnes, Jacobson, Blessing, Goodman,

Fingerhut, Miller, Mallory, Prentiss, White

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Sub. H.B. 403 of the 123rd General Assembly; to	252

levy taxes and provide for implementation of those 253
levies, to make operating appropriations for the 254
biennium beginning July 1, 2003, and ending June 255
30, 2005, and to provide authorization and 256
conditions for the operation of state programs; to 257
amend the version of section 921.22 of the Revised 258
Code that is scheduled to take effect July 1, 259
2004, to continue the provisions of this act on 260
and after that effective date; to amend the 261
version of section 2305.234 of the Revised Code 262
that is scheduled to take effect January 1, 2004, 263
to continue the provisions of this act on and 264
after that effective date; to amend the version of 265
section 3332.04 of the Revised Code that is 266
scheduled to take effect July 1, 2003; to amend 267
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January 1, 2004; to amend the version of section 276
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take effect January 1, 2004, to continue the 278
provisions of this act on and after that effective 279
date; to amend the version of section 5101.28 of 280
the Revised Code that is scheduled to take effect 281
January 1, 2004, to continue the provisions of 282
this act on and after that effective date; to 283
amend the version of section 5743.45 of the 284
Revised Code that is scheduled to take effect 285

January 1, 2004, to continue the provisions of 286
this act on and after that effective date; to 287
amend the version of section 5739.033 of the 288
Revised Code as it results from Am. Sub. S.B. 143 289
of the 124th General Assembly, as amended by H.B. 290
675 of the 124th General Assembly; to terminate 291
certain provisions of this act on December 31, 292
2013, by repealing section 4723.063 of the Revised 293
Code on that date; and to terminate certain 294
provisions of this act on October 1, 2006, by 295
repealing section 5111.161 of the Revised Code on 296
that date. 297

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

This act has two parts, labeled Part I and Part II, 298
that are integral phases of this act. 299

Part I 300

Section 1. That sections 9.01, 9.83, 101.34, 101.72, 101.82, 301
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6119.10, 6301.05, and 6301.07 be amended; that sections 3301.33	411
(3301.40), 3701.145 (3701.0210), 4104.46 (4104.48), 5101.211	412
(5101.214), 5101.212 (5101.215), 5108.06 (5108.04), 5108.07	413

(5108.05), 5111.08 (5111.071), 5111.16 (5111.08), 5111.252 414
(5123.199), 5115.02 (5115.04), 5115.04 (5115.02), 5115.07 415
(5115.06), 5115.13 (5115.07), and 5115.15 (5115.23) be amended for 416
the purpose of adopting new section numbers as indicated in 417
parentheses; and that new sections 125.831, 718.03, 3301.31, 418
3301.33, 3317.11, 3318.052, 4104.42, 4104.43, 4104.46, 5101.211, 419
5101.212, 5101.213, 5108.06, 5108.07, 5111.16, 5111.173, 5115.13, 420
5709.211, 5709.23, 5709.24, and 5739.034 and sections 9.24, 9.75, 421
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5115.14, 5115.22, 5123.196, 5123.198, 5123.1910, 5123.38, 437
5123.851, 5126.058, 5139.44, 5502.03, 5515.08, 5703.56, 5703.57, 438
5703.80, 5709.201, 5709.212, 5717.011, 5733.0511, 5733.55, 439
5733.56, 5733.57, 5735.053, 5741.25, 5743.051, and 5747.026 of the 440
Revised Code be enacted to read as follows: 441

Sec. 9.01. When any officer, office, court, commission, 442
board, institution, department, agent, or employee of the state, 443
~~or~~ of a county, or of any other political subdivision, who is 444
charged with the duty or authorized or required by law to record, 445

preserve, keep, maintain, or file any record, document, plat, 446
court file, paper, or instrument in writing, or to make or furnish 447
copies of any ~~thereof~~ of them, deems it necessary or advisable, 448
when recording ~~any such document, plat, court file, paper, or~~ 449
~~instrument in writing,~~ or when making a copy or reproduction of 450
any ~~thereof~~ of them or of any such record, for the purpose of 451
recording or copying, preserving, and protecting ~~the same~~ them, 452
reducing space required for storage, or any similar purpose, to do 453
so by means of any photostatic, photographic, miniature 454
photographic, film, microfilm, or microphotographic process, or 455
perforated tape, magnetic tape, other magnetic means, electronic 456
data processing, machine readable means, or graphic or video 457
display, or any combination ~~thereof~~ of those processes, means, or 458
displays, which correctly and accurately copies, records, or 459
reproduces, or provides a medium of copying, recording, or 460
reproducing, the original record, document, plat, court file, 461
paper, or instrument in writing, such use of any ~~such photographic~~ 462
~~or electromagnetic~~ of those processes, means, or displays for any 463
such purpose, is hereby authorized. Any such records, copies, or 464
reproductions may be made in duplicate, and ~~such~~ the duplicates 465
shall be stored in different buildings. The film or paper used for 466
~~this~~ a process shall comply with the minimum standards of quality 467
approved for permanent photographic records by the national bureau 468
of standards. All such records, copies, or reproductions shall 469
carry a certificate of authenticity and completeness, on a form 470
specified by the director of administrative services through the 471
state records ~~administrator~~ program. 472

Any such officer, office, court, commission, board, 473
institution, department, agent, or employee of the state, of a 474
county, or of any other political subdivision may purchase or rent 475
required equipment for any such photographic process and may enter 476
into contracts with private concerns or other governmental 477
agencies for the development of film and the making of 478

reproductions ~~thereof~~ of film as a part of any such photographic 479
process. When so recorded, or copied or reproduced to reduce space 480
required for storage or filing of such records, ~~said such~~ 481
photographs, microphotographs, microfilms, perforated tape, 482
magnetic tape, other magnetic means, electronic data processing, 483
machine readable means, graphic or video display, or ~~any~~ 484
combination ~~thereof~~ of these processes, means, or displays, or 485
films, or prints made therefrom, when properly identified by the 486
officer by whom or under whose supervision ~~the same~~ they were 487
made, or who has ~~the~~ their custody ~~thereof~~, have the same effect 488
at law as the original record or of a record made by any other 489
legally authorized means, and may be offered in like manner and 490
shall be received in evidence in any court where ~~such~~ the original 491
record, or record made by other legally authorized means, could 492
have been so introduced and received. Certified or authenticated 493
copies or prints of such photographs, microphotographs, films, 494
microfilms, perforated tape, magnetic tape, other magnetic means, 495
electronic data processing, machine readable means, graphic or 496
video display, or ~~any~~ combination ~~thereof~~ of these processes, 497
means, or displays, shall be admitted in evidence equally with the 498
original ~~photographs, microphotographs, films, or microfilms.~~ 499

Such photographs, microphotographs, microfilms, or films 500
shall be placed and kept in conveniently accessible, fireproof, 501
and insulated files, cabinets, or containers, and provisions shall 502
be made for preserving, safekeeping, using, examining, exhibiting, 503
projecting, and enlarging ~~the same~~ them whenever requested, during 504
office hours. 505

All persons utilizing the methods described in this section 506
for keeping records and information shall keep and make readily 507
available to the public the machines and equipment necessary to 508
reproduce the records and information in a readable form. 509

Sec. 9.24. (A) No state agency and no political subdivision shall award a contract for goods, services, or construction, paid for in whole or in part with state funds, to a person against whom a finding for recovery has been issued by the auditor of state, if the finding for recovery is unresolved. 510
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(B) For purposes of this section, a finding for recovery is unresolved unless one of the following criteria applies: 515
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(1) The money identified in the finding for recovery is paid in full to the state agency or political subdivision to whom the money was owed; 517
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(2) The debtor has entered into a repayment plan that is approved by the attorney general and the state agency or political subdivision to whom the money identified in the finding for recovery is owed. A repayment plan may include a provision permitting a state agency or political subdivision to withhold payment to a debtor for goods, services, or construction provided to or for the state agency or political subdivision pursuant to a contract that is entered into with the debtor after the date the finding for recovery was issued. 520
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(3) The attorney general waives a repayment plan described in division (B)(2) of this section for good cause; 529
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(4) The debtor and state agency or political subdivision to whom the money identified in the finding for recovery is owed have agreed to a payment plan established through an enforceable settlement agreement. 531
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(5) The state agency or political subdivision desiring to enter into a contract with a debtor certifies, and the attorney general concurs, that all of the following are true: 535
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537

(a) Essential services the state agency or political subdivision is seeking to obtain from the debtor cannot be 538
539

provided by any other person besides the debtor; 540

(b) Awarding a contract to the debtor for the essential 541
services described in division (B)(5)(a) is in the best interest 542
of the state; 543

(c) Good faith efforts have been made to collect the money 544
identified in the finding of recovery. 545

(6) The debtor has commenced an action to contest the finding 546
for recovery and a final determination on the action has not yet 547
been reached. 548

(C) The attorney general shall submit an initial report to 549
the auditor of state, not later than December 1, 2003, indicating 550
the status of collection for all findings for recovery issued by 551
the auditor of state for calendar years 2001, 2002, and 2003. 552
Beginning on January 1, 2004, the attorney general shall submit to 553
the auditor of state, on the first day of every January, April, 554
July, and October, a list of all findings for recovery that have 555
been resolved in accordance with division (B) of this section 556
during the calendar quarter preceding the submission of the list 557
and a description of the means of resolution. 558

(D) The auditor of state shall maintain a database, 559
accessible to the public, listing persons against whom an 560
unresolved finding for recovery has been issued, and the amount of 561
the money identified in the unresolved finding for recovery. The 562
auditor of state shall have this database operational on or before 563
January 1, 2004. The initial database shall contain the 564
information required under this division for calendar years 2001, 565
2002, and 2003. 566

Beginning January 15, 2004, the auditor of state shall update 567
the database by the fifteenth day of every January, April, July, 568
and October to reflect resolved findings for recovery that are 569
reported to the auditor of state by the attorney general on the 570

first day of the same month pursuant to division (C) of this 571
section. 572

(E) Before awarding a contract for goods, services, or 573
construction, paid for in whole or in part with state funds, a 574
state agency or political subdivision shall verify that the person 575
to whom the state agency or political subdivision plans to award 576
the contract does not appear in the database described in division 577
(D) of this section. 578

(F) As used in this section: 579

(1) "State agency" has the same meaning as in section 9.66 of 580
the Revised Code. 581

(2) "Finding for recovery" means a determination issued by 582
the auditor of state, contained in a report the auditor of state 583
gives to the attorney general pursuant to section 117.28 of the 584
Revised Code, that public money has been illegally expended, 585
public money has been collected but not been accounted for, public 586
money is due but has not been collected, or public property has 587
been converted or misappropriated. 588

(3) "Debtor" means a person against whom a finding for 589
recovery has been issued. 590

Sec. 9.75. As used in this section, "dangerous drug" has the 591
same meaning as in section 4729.01 of the Revised Code. 592

If a state agency seeks to enter into or administer an 593
agreement or cooperative arrangement to create or join a 594
multiple-state prescription drug purchasing program to negotiate 595
discounts for dangerous drugs and intends to contract with a 596
person to administer the multiple-state prescription drug 597
purchasing program, it shall do so through a competitive bidding 598
process. A state agency seeking to enter into a contract with a 599
person to administer the multiple-state prescription drug 600

purchasing program may not enter into the contract with out 601
controlling board approval. 602

Sec. 9.83. (A) The state and any political subdivision may 603
procure a policy or policies of insurance insuring its officers 604
and employees against liability for injury, death, or loss to 605
person or property that arises out of the operation of an 606
automobile, truck, motor vehicle with auxiliary equipment, 607
self-propelling equipment or trailer, aircraft, or watercraft by 608
the officers or employees while engaged in the course of their 609
employment or official responsibilities for the state or the 610
political subdivision. The state is authorized to expend funds to 611
pay judgments that are rendered in any court against its officers 612
or employees and that result from such operation, and is 613
authorized to expend funds to compromise claims for liability 614
against its officers or employees that result from such operation. 615
No insurer shall deny coverage under such a policy, and the state 616
shall not refuse to pay judgments or compromise claims, on the 617
ground that an automobile, truck, motor vehicle with auxiliary 618
equipment, self-propelling equipment or trailer, aircraft, or 619
watercraft was not being used in the course of an officer's or 620
employee's employment or official responsibilities for the state 621
or a political subdivision unless the officer or employee who was 622
operating an automobile, truck, motor vehicle with auxiliary 623
equipment, or self-propelling equipment or trailer is convicted of 624
a violation of section 124.71 of the Revised Code as a result of 625
the same events. 626

(B) ~~Such funds~~ Funds shall be reserved as ~~are~~ necessary, in 627
the exercise of sound and prudent actuarial judgment, to cover 628
potential expense, fees, damage, loss, or other liability. The 629
superintendent of insurance may recommend or, if the state 630
requests of the superintendent, shall recommend, a specific amount 631
for any period of time that, in the superintendent's opinion, 632

represents such a judgment. 633

(C) Nothing in this section shall be construed to require the 634
department of administrative services to purchase liability 635
insurance for all state vehicles in a single policy of insurance 636
or to cover all state vehicles under a single plan of 637
self-insurance. 638

(D) Insurance procured by the state pursuant to this section 639
shall be procured as provided in section 125.03 of the Revised 640
Code. 641

(E) For purposes of liability insurance procured under this 642
section to cover the operation of a motor vehicle by a prisoner 643
for whom the insurance is procured, "employee" includes a prisoner 644
in the custody of the department of rehabilitation and correction 645
who is enrolled in a work program that is established by the 646
department pursuant to section 5145.16 of the Revised Code and in 647
which the prisoner is required to operate a motor vehicle, as 648
defined in section 4509.01 of the Revised Code, and who is engaged 649
in the operation of a motor vehicle in the course of the work 650
program. 651

(F) There is hereby created in the state treasury the vehicle 652
liability fund. All contributions collected by the director of 653
administrative services under division (I) of this section shall 654
be deposited into the fund. The fund shall be used to provide 655
insurance and self-insurance for the state under this section. All 656
investment earnings of the fund shall be credited to it. 657

(G) The director of administrative services, through the 658
office of risk management, shall operate the vehicle liability 659
fund on an actuarially sound basis. 660

(H) Reserves shall be maintained in the vehicle liability 661
fund in any amount that is necessary and adequate, in the exercise 662
of sound and prudent actuarial judgment, to cover potential 663

liability claims, expenses, fees, or damages. Money in the fund 664
may be applied to the payment of liability claims that are filed 665
against the state in the court of claims and determined in the 666
manner provided in Chapter 2743. of the Revised Code. The director 667
of administrative services may procure the services of a qualified 668
actuarial firm for the purpose of recommending the specific amount 669
of money that is required to maintain adequate reserves for a 670
specified period of time. 671

(I) The director of administrative services shall collect 672
from each state agency or any participating state body its 673
contribution to the vehicle liability fund for the purpose of 674
purchasing insurance or administering self-insurance programs for 675
coverage authorized under this section. The amount of the 676
contribution shall be determined by the director, with the 677
approval of the director of budget and management. It shall be 678
based upon actuarial assumptions and the relative risk and loss 679
experience of each state agency or participating state body. The 680
amount of the contribution also shall include a reasonable sum to 681
cover administrative costs of the department of administrative 682
services. 683

Sec. 101.34. (A) There is hereby created a joint legislative 684
ethics committee to serve the general assembly. The committee 685
shall be composed of twelve members, six each from the two major 686
political parties, and each member shall serve on the committee 687
during the member's term as a member of that general assembly. Six 688
members of the committee shall be members of the house of 689
representatives appointed by the speaker of the house of 690
representatives, not more than three from the same political 691
party, and six members of the committee shall be members of the 692
senate appointed by the president of the senate, not more than 693
three from the same political party. A vacancy in the committee 694
shall be filled for the unexpired term in the same manner as an 695

original appointment. The members of the committee shall be 696
appointed within fifteen days after the first day of the first 697
regular session of each general assembly and the committee shall 698
meet and proceed to recommend an ethics code not later than thirty 699
days after the first day of the first regular session of each 700
general assembly. 701

In the first regular session of each general assembly, the 702
speaker of the house of representatives shall appoint the 703
chairperson of the committee from among the house members of the 704
committee and the president of the senate shall appoint the 705
vice-chairperson of the committee from among the senate members of 706
the committee. In the second regular session of each general 707
assembly, the president of the senate shall appoint the 708
chairperson of the committee from among the senate members of the 709
committee and the speaker of the house of representatives shall 710
appoint the vice-chairperson of the committee from among the house 711
members of the committee. The chairperson, vice-chairperson, and 712
members of the committee shall serve until their respective 713
successors are appointed or until they are no longer members of 714
the general assembly. 715

The committee shall meet at the call of the chairperson or 716
upon the written request of seven members of the committee. 717

(B) The joint legislative ethics committee: 718

(1) Shall recommend a code of ethics which is consistent with 719
law to govern all members and employees of each house of the 720
general assembly and all candidates for the office of member of 721
each house; 722

(2) May receive and hear any complaint which alleges a breach 723
of any privilege of either house, or misconduct of any member, 724
employee, or candidate, or any violation of the appropriate code 725
of ethics; 726

(3) May obtain information with respect to any complaint 727
filed pursuant to this section and to that end may enforce the 728
attendance and testimony of witnesses, and the production of books 729
and papers; 730

(4) May recommend whatever sanction is appropriate with 731
respect to a particular member, employee, or candidate as will 732
best maintain in the minds of the public a good opinion of the 733
conduct and character of members and employees of the general 734
assembly; 735

(5) May recommend legislation to the general assembly 736
relating to the conduct and ethics of members and employees of and 737
candidates for the general assembly; 738

(6) Shall employ an executive director for the committee and 739
may employ such other staff as the committee determines necessary 740
to assist it in exercising its powers and duties. The executive 741
director and staff of the committee shall be known as the office 742
of legislative inspector general. At least one member of the staff 743
of the committee shall be an attorney at law licensed to practice 744
law in this state. The appointment and removal of the executive 745
director shall require the approval of at least eight members of 746
the committee. 747

(7) May employ a special counsel to assist the committee in 748
exercising its powers and duties. The appointment and removal of a 749
special counsel shall require the approval of at least eight 750
members of the committee. 751

(8) Shall act as an advisory body to the general assembly and 752
to individual members, candidates, and employees on questions 753
relating to ethics, possible conflicts of interest, and financial 754
disclosure; 755

(9) Shall provide for the proper forms on which the statement 756
required pursuant to section 102.02 of the Revised Code shall be 757

filed and instructions as to the filing of the statement; 758

(10) Exercise the powers and duties prescribed under sections 759
101.70 to 101.79 and 121.60 to 121.69 of the Revised Code; 760

(11) Adopt in accordance with section 111.15 of the Revised 761
Code any rules that are necessary to implement and clarify Chapter 762
102. and sections 2921.42 and 2921.43 of the Revised Code. 763

(C) There is hereby created in the state treasury the joint 764
legislative ethics committee fund. ~~All money collected from~~ 765
~~registration fees and late filing fees prescribed under sections~~ 766
~~101.72 and 121.62 of the Revised Code shall be deposited into the~~ 767
~~state treasury to the credit of the fund.~~ Money credited to the 768
fund and any interest and earnings from the fund shall be used 769
solely for the operation of the joint legislative ethics committee 770
and the office of legislative inspector general and for the 771
purchase of data storage and computerization facilities for the 772
statements filed with the joint committee under sections 101.73, 773
101.74, 121.63, and 121.64 of the Revised Code. 774

(D) The chairperson of the joint committee shall issue a 775
written report, not later than the thirty-first day of January of 776
each year, to the speaker and minority leader of the house of 777
representatives and to the president and minority leader of the 778
senate that lists the number of committee meetings and 779
investigations the committee conducted during the immediately 780
preceding calendar year and the number of advisory opinions it 781
issued during the immediately preceding calendar year. 782

(E) Any investigative report that contains facts and findings 783
regarding a complaint filed with the committee and that is 784
prepared by the staff of the committee or a special counsel to the 785
committee shall become a public record upon its acceptance by a 786
vote of the majority of the members of the committee, except for 787
any names of specific individuals and entities contained in the 788

report. If the committee recommends disciplinary action or reports 789
its findings to the appropriate prosecuting authority for 790
proceedings in prosecution of the violations alleged in the 791
complaint, the investigatory report regarding the complaint shall 792
become a public record in its entirety. 793

(F)(1) Any file obtained by or in the possession of the 794
former house ethics committee or former senate ethics committee 795
shall become the property of the joint legislative ethics 796
committee. Any such file is confidential if either of the 797
following applies: 798

(a) It is confidential under section 102.06 of the Revised 799
Code or the legislative code of ethics. 800

(b) If the file was obtained from the former house ethics 801
committee or from the former senate ethics committee, it was 802
confidential under any statute or any provision of a code of 803
ethics that governed the file. 804

(2) As used in this division, "file" includes, but is not 805
limited to, evidence, documentation, or any other tangible thing. 806

Sec. 101.72. (A) Each legislative agent and employer, within 807
ten days following an engagement of a legislative agent, shall 808
file with the joint legislative ethics committee an initial 809
registration statement showing all of the following: 810

(1) The name, business address, and occupation of the 811
legislative agent; 812

(2) The name and business address of the employer and the 813
real party in interest on whose behalf the legislative agent is 814
actively advocating, if it is different from the employer. For the 815
purposes of division (A) of this section, where a trade 816
association or other charitable or fraternal organization that is 817
exempt from federal income taxation under subsection 501(c) of the 818

federal Internal Revenue Code is the employer, the statement need 819
not list the names and addresses of each member of the association 820
or organization, so long as the association or organization itself 821
is listed. 822

(3) A brief description of the type of legislation to which 823
the engagement relates. 824

(B) In addition to the initial registration statement 825
required by division (A) of this section, each legislative agent 826
and employer shall file with the joint committee, not later than 827
the last day of January, May, and September of each year, an 828
updated registration statement that confirms the continuing 829
existence of each engagement described in an initial registration 830
statement and that lists the specific bills or resolutions on 831
which the agent actively advocated under that engagement during 832
the period covered by the updated statement, and with it any 833
statement of expenditures required to be filed by section 101.73 834
of the Revised Code and any details of financial transactions 835
required to be filed by section 101.74 of the Revised Code. 836

(C) If a legislative agent is engaged by more than one 837
employer, the agent shall file a separate initial and updated 838
registration statement for each engagement. If an employer engages 839
more than one legislative agent, the employer need file only one 840
updated registration statement under division (B) of this section, 841
which shall contain the information required by division (B) of 842
this section regarding all of the legislative agents engaged by 843
the employer. 844

(D)(1) A change in any information required by division 845
(A)(1), (2), or (B) of this section shall be reflected in the next 846
updated registration statement filed under division (B) of this 847
section. 848

(2) Within thirty days after the termination of an 849

engagement, the legislative agent who was employed under the 850
engagement shall send written notification of the termination to 851
the joint committee. 852

(E) Except as otherwise provided in this division, a 853
registration fee of ~~ten~~ twenty-five dollars shall be charged for 854
filing an initial registration statement. All money collected from 855
registration fees under this division and late filing fees under 856
division (G) of this section shall be deposited ~~to the credit of~~ 857
~~the joint legislative ethics committee fund created under section~~ 858
~~101.34 of the Revised Code~~ into the general revenue fund of the 859
state. 860

An officer or employee of a state agency who actively 861
advocates in a fiduciary capacity as a representative of that 862
state agency need not pay the registration fee prescribed by this 863
division or file expenditure statements under section 101.73 of 864
the Revised Code. As used in this division, "state agency" does 865
not include a state institution of higher education as defined in 866
section 3345.011 of the Revised Code. 867

(F) Upon registration pursuant to division (A) of this 868
section, the legislative agent shall be issued a card by the joint 869
committee showing that the legislative agent is registered. The 870
registration card and the legislative agent's registration shall 871
be valid from the date of their issuance until the next 872
thirty-first day of December of an even-numbered year. 873

(G) The executive director of the joint committee shall be 874
responsible for reviewing each registration statement filed with 875
the joint committee under this section and for determining whether 876
the statement contains all of the information required by this 877
section. If the joint committee determines that the registration 878
statement does not contain all of the required information or that 879
a legislative agent or employer has failed to file a registration 880
statement, the joint committee shall send written notification by 881

certified mail to the person who filed the registration statement 882
regarding the deficiency in the statement or to the person who 883
failed to file the registration statement regarding the failure. 884
Any person so notified by the joint committee shall, not later 885
than fifteen days after receiving the notice, file a registration 886
statement or an amended registration statement that does contain 887
all of the information required by this section. If any person who 888
receives a notice under this division fails to file a registration 889
statement or such an amended registration statement within this 890
fifteen-day period, the joint committee shall assess a late filing 891
fee equal to twelve dollars and fifty cents per day, up to a 892
maximum of one hundred dollars, upon that person. The joint 893
committee may waive the late filing fee for good cause shown. 894

(H) On or before the fifteenth day of March of each year, the 895
joint committee shall, in the manner and form that it determines, 896
publish a report containing statistical information on the 897
registration statements filed with it under this section during 898
the preceding year. 899

Sec. 101.82. As used in sections 101.82 to 101.87 of the 900
Revised Code: 901

(A) "Agency" means any board, commission, committee, or 902
council, or any other similar state public body required to be 903
established pursuant to state statutes for the exercise of any 904
function of state government and to which members are appointed or 905
elected. "Agency" does not include the following: 906

(1) The general assembly, or any commission, committee, or 907
other body composed entirely of members ~~thereof~~ of the general 908
assembly; 909

(2) Any court; 910

(3) Any public body created by or directly pursuant to the 911

constitution of this state;	912
(4) The board of trustees of any institution of higher education financially supported in whole or in part by the state;	913 914
(5) Any public body that has the authority to issue bonds or notes or that has issued bonds or notes that have not been fully repaid;	915 916 917
(6) The public utilities commission of Ohio;	918
(7) The consumers' council governing board;	919
(8) The Ohio board of regents;	920
(9) Any state board or commission that has the authority to issue any final adjudicatory order that may be appealed to the court of common pleas under Chapter 119. of the Revised Code;	921 922 923
(10) Any board of elections;	924
(11) The board of directors of the Ohio insurance guaranty association and the board of governors of the Ohio fair plan underwriting association;	925 926 927
(12) The Ohio public employees deferred compensation board;	928
(13) The Ohio retirement study council;	929
(14) The board of trustees of the Ohio police and fire pension fund, public employees retirement board, school employees retirement board, state highway patrol retirement board, and state teachers retirement board;	930 931 932 933
(15) The industrial commission.	934
(B) "Abolish" means to repeal the statutes creating and empowering an agency, remove its personnel, and transfer its records to the department of administrative services pursuant to division (H) <u>(E)</u> of section 149.331 of the Revised Code.	935 936 937 938
(C) "Terminate" means to amend or repeal the statutes creating and empowering an agency, remove its personnel, and	939 940

reassign its functions and records to another agency or officer 941
designated by the general assembly. 942

(D) "Transfer" means to amend the statutes creating and 943
empowering an agency so that its functions, records, and personnel 944
are conveyed to another agency or officer. 945

(E) "Renew" means to continue an agency, and may include 946
amendment of the statutes creating and empowering the agency, or 947
recommendations for changes in agency operation or personnel. 948

Sec. 102.02. (A) Except as otherwise provided in division (H) 949
of this section, every person who is elected to or is a candidate 950
for a state, county, or city office, or the office of member of 951
the United States congress, and every person who is appointed to 952
fill a vacancy for an unexpired term in such an elective office; 953
all members of the state board of education; the director, 954
assistant directors, deputy directors, division chiefs, or persons 955
of equivalent rank of any administrative department of the state; 956
the president or other chief administrative officer of every state 957
institution of higher education as defined in section 3345.011 of 958
the Revised Code; the chief executive officer of each state 959
retirement system; all members of the board of commissioners on 960
grievances and discipline of the supreme court and the ethics 961
commission created under section 102.05 of the Revised Code; every 962
business manager, treasurer, or superintendent of a city, local, 963
exempted village, joint vocational, or cooperative education 964
school district or an educational service center; every person who 965
is elected to or is a candidate for the office of member of a 966
board of education of a city, local, exempted village, joint 967
vocational, or cooperative education school district or of a 968
governing board of an educational service center that has a total 969
student count of twelve thousand or more as most recently 970
determined by the department of education pursuant to section 971

3317.03 of the Revised Code; every person who is appointed to the 972
board of education of a municipal school district pursuant to 973
division (B) or (F) of section 3311.71 of the Revised Code; all 974
members of the board of directors of a sanitary district 975
established under Chapter 6115. of the Revised Code and organized 976
wholly for the purpose of providing a water supply for domestic, 977
municipal, and public use that includes two municipal corporations 978
in two counties; every public official or employee who is paid a 979
salary or wage in accordance with schedule C of section 124.15 or 980
schedule E-2 of section 124.152 of the Revised Code; members of 981
the board of trustees and the executive director of the tobacco 982
use prevention and control foundation; members of the board of 983
trustees and the executive director of the southern Ohio 984
agricultural and community development foundation; and every other 985
public official or employee who is designated by the appropriate 986
ethics commission pursuant to division (B) of this section shall 987
file with the appropriate ethics commission on a form prescribed 988
by the commission, a statement disclosing all of the following: 989

(1) The name of the person filing the statement and each 990
member of the person's immediate family and all names under which 991
the person or members of the person's immediate family do 992
business; 993

(2)(a) Subject to divisions (A)(2)(b) and (c) of this section 994
and except as otherwise provided in section 102.022 of the Revised 995
Code, identification of every source of income, other than income 996
from a legislative agent identified in division (A)(2)(b) of this 997
section, received during the preceding calendar year, in the 998
person's own name or by any other person for the person's use or 999
benefit, by the person filing the statement, and a brief 1000
description of the nature of the services for which the income was 1001
received. If the person filing the statement is a member of the 1002
general assembly, the statement shall identify the amount of every 1003

source of income received in accordance with the following ranges 1004
of amounts: zero or more, but less than one thousand dollars; one 1005
thousand dollars or more, but less than ten thousand dollars; ten 1006
thousand dollars or more, but less than twenty-five thousand 1007
dollars; twenty-five thousand dollars or more, but less than fifty 1008
thousand dollars; fifty thousand dollars or more, but less than 1009
one hundred thousand dollars; and one hundred thousand dollars or 1010
more. Division (A)(2)(a) of this section shall not be construed to 1011
require a person filing the statement who derives income from a 1012
business or profession to disclose the individual items of income 1013
that constitute the gross income of that business or profession, 1014
except for those individual items of income that are attributable 1015
to the person's or, if the income is shared with the person, the 1016
partner's, solicitation of services or goods or performance, 1017
arrangement, or facilitation of services or provision of goods on 1018
behalf of the business or profession of clients, including 1019
corporate clients, who are legislative agents as defined in 1020
section 101.70 of the Revised Code. A person who files the 1021
statement under this section shall disclose the identity of and 1022
the amount of income received from a person who the public 1023
official or employee knows or has reason to know is doing or 1024
seeking to do business of any kind with the public official's or 1025
employee's agency. 1026

(b) If the person filing the statement is a member of the 1027
general assembly, the statement shall identify every source of 1028
income and the amount of that income that was received from a 1029
legislative agent, as defined in section 101.70 of the Revised 1030
Code, during the preceding calendar year, in the person's own name 1031
or by any other person for the person's use or benefit, by the 1032
person filing the statement, and a brief description of the nature 1033
of the services for which the income was received. Division 1034
(A)(2)(b) of this section requires the disclosure of clients of 1035
attorneys or persons licensed under section 4732.12 of the Revised 1036

Code, or patients of persons certified under section 4731.14 of 1037
the Revised Code, if those clients or patients are legislative 1038
agents. Division (A)(2)(b) of this section requires a person 1039
filing the statement who derives income from a business or 1040
profession to disclose those individual items of income that 1041
constitute the gross income of that business or profession that 1042
are received from legislative agents. 1043

(c) Except as otherwise provided in division (A)(2)(c) of 1044
this section, division (A)(2)(a) of this section applies to 1045
attorneys, physicians, and other persons who engage in the 1046
practice of a profession and who, pursuant to a section of the 1047
Revised Code, the common law of this state, a code of ethics 1048
applicable to the profession, or otherwise, generally are required 1049
not to reveal, disclose, or use confidences of clients, patients, 1050
or other recipients of professional services except under 1051
specified circumstances or generally are required to maintain 1052
those types of confidences as privileged communications except 1053
under specified circumstances. Division (A)(2)(a) of this section 1054
does not require an attorney, physician, or other professional 1055
subject to a confidentiality requirement as described in division 1056
(A)(2)(c) of this section to disclose the name, other identity, or 1057
address of a client, patient, or other recipient of professional 1058
services if the disclosure would threaten the client, patient, or 1059
other recipient of professional services, would reveal details of 1060
the subject matter for which legal, medical, or professional 1061
advice or other services were sought, or would reveal an otherwise 1062
privileged communication involving the client, patient, or other 1063
recipient of professional services. Division (A)(2)(a) of this 1064
section does not require an attorney, physician, or other 1065
professional subject to a confidentiality requirement as described 1066
in division (A)(2)(c) of this section to disclose in the brief 1067
description of the nature of services required by division 1068
(A)(2)(a) of this section any information pertaining to specific 1069

professional services rendered for a client, patient, or other 1070
recipient of professional services that would reveal details of 1071
the subject matter for which legal, medical, or professional 1072
advice was sought or would reveal an otherwise privileged 1073
communication involving the client, patient, or other recipient of 1074
professional services. 1075

(3) The name of every corporation on file with the secretary 1076
of state that is incorporated in this state or holds a certificate 1077
of compliance authorizing it to do business in this state, trust, 1078
business trust, partnership, or association that transacts 1079
business in this state in which the person filing the statement or 1080
any other person for the person's use and benefit had during the 1081
preceding calendar year an investment of over one thousand dollars 1082
at fair market value as of the thirty-first day of December of the 1083
preceding calendar year, or the date of disposition, whichever is 1084
earlier, or in which the person holds any office or has a 1085
fiduciary relationship, and a description of the nature of the 1086
investment, office, or relationship. Division (A)(3) of this 1087
section does not require disclosure of the name of any bank, 1088
savings and loan association, credit union, or building and loan 1089
association with which the person filing the statement has a 1090
deposit or a withdrawable share account. 1091

(4) All fee simple and leasehold interests to which the 1092
person filing the statement holds legal title to or a beneficial 1093
interest in real property located within the state, excluding the 1094
person's residence and property used primarily for personal 1095
recreation; 1096

(5) The names of all persons residing or transacting business 1097
in the state to whom the person filing the statement owes, in the 1098
person's own name or in the name of any other person, more than 1099
one thousand dollars. Division (A)(5) of this section shall not be 1100
construed to require the disclosure of debts owed by the person 1101

resulting from the ordinary conduct of a business or profession or 1102
debts on the person's residence or real property used primarily 1103
for personal recreation, except that the superintendent of 1104
financial institutions shall disclose the names of all 1105
state-chartered savings and loan associations and of all service 1106
corporations subject to regulation under division (E)(2) of 1107
section 1151.34 of the Revised Code to whom the superintendent in 1108
the superintendent's own name or in the name of any other person 1109
owes any money, and that the superintendent and any deputy 1110
superintendent of banks shall disclose the names of all 1111
state-chartered banks and all bank subsidiary corporations subject 1112
to regulation under section 1109.44 of the Revised Code to whom 1113
the superintendent or deputy superintendent owes any money. 1114

(6) The names of all persons residing or transacting business 1115
in the state, other than a depository excluded under division 1116
(A)(3) of this section, who owe more than one thousand dollars to 1117
the person filing the statement, either in the person's own name 1118
or to any person for the person's use or benefit. Division (A)(6) 1119
of this section shall not be construed to require the disclosure 1120
of clients of attorneys or persons licensed under section 4732.12 1121
or 4732.15 of the Revised Code, or patients of persons certified 1122
under section 4731.14 of the Revised Code, nor the disclosure of 1123
debts owed to the person resulting from the ordinary conduct of a 1124
business or profession. 1125

(7) Except as otherwise provided in section 102.022 of the 1126
Revised Code, the source of each gift of over seventy-five 1127
dollars, or of each gift of over twenty-five dollars received by a 1128
member of the general assembly from a legislative agent, received 1129
by the person in the person's own name or by any other person for 1130
the person's use or benefit during the preceding calendar year, 1131
except gifts received by will or by virtue of section 2105.06 of 1132
the Revised Code, or received from spouses, parents, grandparents, 1133

children, grandchildren, siblings, nephews, nieces, uncles, aunts, 1134
brothers-in-law, sisters-in-law, sons-in-law, daughters-in-law, 1135
fathers-in-law, mothers-in-law, or any person to whom the person 1136
filing the statement stands in loco parentis, or received by way 1137
of distribution from any inter vivos or testamentary trust 1138
established by a spouse or by an ancestor; 1139

(8) Except as otherwise provided in section 102.022 of the 1140
Revised Code, identification of the source and amount of every 1141
payment of expenses incurred for travel to destinations inside or 1142
outside this state that is received by the person in the person's 1143
own name or by any other person for the person's use or benefit 1144
and that is incurred in connection with the person's official 1145
duties, except for expenses for travel to meetings or conventions 1146
of a national or state organization to which any state agency, 1147
including, but not limited to, any legislative agency or state 1148
institution of higher education as defined in section 3345.011 of 1149
the Revised Code, pays membership dues, or any political 1150
subdivision or any office or agency of a political subdivision 1151
pays membership dues; 1152

(9) Except as otherwise provided in section 102.022 of the 1153
Revised Code, identification of the source of payment of expenses 1154
for meals and other food and beverages, other than for meals and 1155
other food and beverages provided at a meeting at which the person 1156
participated in a panel, seminar, or speaking engagement or at a 1157
meeting or convention of a national or state organization to which 1158
any state agency, including, but not limited to, any legislative 1159
agency or state institution of higher education as defined in 1160
section 3345.011 of the Revised Code, pays membership dues, or any 1161
political subdivision or any office or agency of a political 1162
subdivision pays membership dues, that are incurred in connection 1163
with the person's official duties and that exceed one hundred 1164
dollars aggregated per calendar year; 1165

(10) If the financial disclosure statement is filed by a public official or employee described in division (B)(2) of section 101.73 of the Revised Code or division (B)(2) of section 121.63 of the Revised Code who receives a statement from a legislative agent, executive agency lobbyist, or employer that contains the information described in division (F)(2) of section 101.73 of the Revised Code or division (G)(2) of section 121.63 of the Revised Code, all of the nondisputed information contained in the statement delivered to that public official or employee by the legislative agent, executive agency lobbyist, or employer under division (F)(2) of section 101.73 or (G)(2) of section 121.63 of the Revised Code. As used in division (A)(10) of this section, "legislative agent," "executive agency lobbyist," and "employer" have the same meanings as in sections 101.70 and 121.60 of the Revised Code.

A person may file a statement required by this section in person or by mail. A person who is a candidate for elective office shall file the statement no later than the thirtieth day before the primary, special, or general election at which the candidacy is to be voted on, whichever election occurs soonest, except that a person who is a write-in candidate shall file the statement no later than the twentieth day before the earliest election at which the person's candidacy is to be voted on. A person who holds elective office shall file the statement on or before the fifteenth day of April of each year unless the person is a candidate for office. A person who is appointed to fill a vacancy for an unexpired term in an elective office shall file the statement within fifteen days after the person qualifies for office. Other persons shall file an annual statement on or before the fifteenth day of April or, if appointed or employed after that date, within ninety days after appointment or employment. No person shall be required to file with the appropriate ethics

commission more than one statement or pay more than one filing fee 1198
for any one calendar year. 1199

The appropriate ethics commission, for good cause, may extend 1200
for a reasonable time the deadline for filing a statement under 1201
this section. 1202

A statement filed under this section is subject to public 1203
inspection at locations designated by the appropriate ethics 1204
commission except as otherwise provided in this section. 1205

(B) The Ohio ethics commission, the joint legislative ethics 1206
committee, and the board of commissioners on grievances and 1207
discipline of the supreme court, using the rule-making procedures 1208
of Chapter 119. of the Revised Code, may require any class of 1209
public officials or employees under its jurisdiction and not 1210
specifically excluded by this section whose positions involve a 1211
substantial and material exercise of administrative discretion in 1212
the formulation of public policy, expenditure of public funds, 1213
enforcement of laws and rules of the state or a county or city, or 1214
the execution of other public trusts, to file an annual statement 1215
on or before the fifteenth day of April under division (A) of this 1216
section. The appropriate ethics commission shall send the public 1217
officials or employees written notice of the requirement by the 1218
fifteenth day of February of each year the filing is required 1219
unless the public official or employee is appointed after that 1220
date, in which case the notice shall be sent within thirty days 1221
after appointment, and the filing shall be made not later than 1222
ninety days after appointment. 1223

Except for disclosure statements filed by members of the 1224
board of trustees and the executive director of the tobacco use 1225
prevention and control foundation and members of the board of 1226
trustees and the executive director of the southern Ohio 1227
agricultural and community development foundation, disclosure 1228
statements filed under this division with the Ohio ethics 1229

commission by members of boards, commissions, or bureaus of the 1230
state for which no compensation is received other than reasonable 1231
and necessary expenses shall be kept confidential. Disclosure 1232
statements filed with the Ohio ethics commission under division 1233
(A) of this section by business managers, treasurers, and 1234
superintendents of city, local, exempted village, joint 1235
vocational, or cooperative education school districts or 1236
educational service centers shall be kept confidential, except 1237
that any person conducting an audit of any such school district or 1238
educational service center pursuant to section 115.56 or Chapter 1239
117. of the Revised Code may examine the disclosure statement of 1240
any business manager, treasurer, or superintendent of that school 1241
district or educational service center. The Ohio ethics commission 1242
shall examine each disclosure statement required to be kept 1243
confidential to determine whether a potential conflict of interest 1244
exists for the person who filed the disclosure statement. A 1245
potential conflict of interest exists if the private interests of 1246
the person, as indicated by the person's disclosure statement, 1247
might interfere with the public interests the person is required 1248
to serve in the exercise of the person's authority and duties in 1249
the person's office or position of employment. If the commission 1250
determines that a potential conflict of interest exists, it shall 1251
notify the person who filed the disclosure statement and shall 1252
make the portions of the disclosure statement that indicate a 1253
potential conflict of interest subject to public inspection in the 1254
same manner as is provided for other disclosure statements. Any 1255
portion of the disclosure statement that the commission determines 1256
does not indicate a potential conflict of interest shall be kept 1257
confidential by the commission and shall not be made subject to 1258
public inspection, except as is necessary for the enforcement of 1259
Chapters 102. and 2921. of the Revised Code and except as 1260
otherwise provided in this division. 1261

(C) No person shall knowingly fail to file, on or before the 1262

applicable filing deadline established under this section, a 1263
statement that is required by this section. 1264

(D) No person shall knowingly file a false statement that is 1265
required to be filed under this section. 1266

(E)(1) Except as provided in divisions (E)(2) and (3) of this 1267
section, the statement required by division (A) or (B) of this 1268
section shall be accompanied by a filing fee of ~~twenty-five~~ forty 1269
dollars. 1270

(2) The statement required by division (A) of this section 1271
shall be accompanied by ~~a~~ the following filing fee to be paid by 1272
the person who is elected or appointed to, or is a candidate for, 1273
any of the following offices: 1274

For state office, except member of the 1275

state board of education \$~~50~~ 65 1276

For office of member of United States 1277

congress or member of general assembly \$~~25~~ 40 1278

For county office \$~~25~~ 40 1279

For city office \$~~10~~ 25 1280

For office of member of the state board 1281

of education \$~~20~~ 25 1282

For office of member of a city, local, 1283

exempted village, or cooperative 1284

education board of 1285

education or educational service 1286

center governing board \$ ~~5~~ 20 1287

For position of business manager, 1288

treasurer, or superintendent of a 1289

city, local, exempted village, joint 1290

vocational, or cooperative education 1291

school district or 1292

educational service center \$ ~~5~~ 20 1293

(3) No judge of a court of record or candidate for judge of a 1294

court of record, and no referee or magistrate serving a court of 1295
record, shall be required to pay the fee required under division 1296
(E)(1) or (2) or (F) of this section. 1297

(4) For any public official who is appointed to a nonelective 1298
office of the state and for any employee who holds a nonelective 1299
position in a public agency of the state, the state agency that is 1300
the primary employer of the state official or employee shall pay 1301
the fee required under division (E)(1) or (F) of this section. 1302

(F) If a statement required to be filed under this section is 1303
not filed by the date on which it is required to be filed, the 1304
appropriate ethics commission shall assess the person required to 1305
file the statement a late filing fee ~~equal to one-half of the~~ 1306
~~applicable filing fee~~ ten dollars for each day the statement is 1307
not filed, except that the total amount of the late filing fee 1308
shall not exceed ~~one~~ two hundred fifty dollars. 1309

(G)(1) The appropriate ethics commission other than the Ohio 1310
ethics commission shall deposit all fees it receives under 1311
divisions (E) and (F) of this section into the general revenue 1312
fund of the state. 1313

(2) The Ohio ethics commission shall deposit all receipts, 1314
including, but not limited to, fees it receives under divisions 1315
(E) and (F) of this section and all moneys it receives from 1316
settlements under division (G) of section 102.06 of the Revised 1317
Code, into the Ohio ethics commission fund, which is hereby 1318
created in the state treasury. All moneys credited to the fund 1319
shall be used solely for expenses related to the operation and 1320
statutory functions of the commission. 1321

(H) Division (A) of this section does not apply to a person 1322
elected or appointed to the office of precinct, ward, or district 1323
committee member under Chapter 3517. of the Revised Code; a 1324
presidential elector; a delegate to a national convention; village 1325

or township officials and employees; any physician or psychiatrist 1326
who is paid a salary or wage in accordance with schedule C of 1327
section 124.15 or schedule E-2 of section 124.152 of the Revised 1328
Code and whose primary duties do not require the exercise of 1329
administrative discretion; or any member of a board, commission, 1330
or bureau of any county or city who receives less than one 1331
thousand dollars per year for serving in that position. 1332

Sec. 107.12. (A) As used in this section, "organization" 1333
means a faith-based or other organization that is exempt from 1334
federal income taxation under section 501(c)(3) of the Internal 1335
Revenue Code of 1986, 100 Stat. 2085, 26 U.S.C. 1, as amended, and 1336
provides charitable services to needy residents of this state. 1337

(B) There is hereby established within the office of the 1338
governor the governor's office of faith-based and community 1339
initiatives. The office shall: 1340

(1) Serve as a clearinghouse of information on federal, 1341
state, and local funding for charitable services performed by 1342
organizations; 1343

(2) Encourage organizations to seek public funding for their 1344
charitable services; 1345

(3) Act as a liaison between state agencies and 1346
organizations; 1347

(4) Advise the governor, general assembly, and the advisory 1348
board of the governor's office of faith-based community 1349
initiatives on the barriers that exist to collaboration between 1350
organizations and governmental entities and on ways to remove the 1351
barriers. 1352

(C) The governor shall appoint an executive assistant to 1353
manage the office and perform or oversee the performance of the 1354
duties of the office. 1355

(D)(1) There is hereby created the advisory board of the 1356
governor's office of faith-based and community initiatives. The 1357
board shall consist of members appointed as follows: 1358

(a) The directors of aging, alcohol and drug addiction 1359
services, rehabilitation and correction, health, job and family 1360
services, mental health, and youth services shall each appoint to 1361
the board one employee of that director's department. 1362

(b) The speaker of the house of representatives shall appoint 1363
to the board two members of the house of representatives, not more 1364
than one of whom shall be from the same political party and at 1365
least one of whom shall be from the legislative black caucus. The 1366
speaker of the house of representatives shall consult with the 1367
president of the legislative black caucus in making the 1368
legislative black caucus member appointment. The president of the 1369
senate shall appoint to the board two members of the senate, not 1370
more than one of whom shall be from the same political party. 1371

(c) The governor, speaker of the house of representatives, 1372
and president of the senate shall each appoint to the board three 1373
representatives of the nonprofit, faith-based and other nonprofit 1374
community. 1375

(2) The appointments to the board shall be made within thirty 1376
days after the effective date of this section. Terms of the office 1377
shall be one year. Any vacancy that occurs on the board shall be 1378
filled in the same manner as the original appointment. The members 1379
of the board shall serve without compensation. 1380

(3) At its initial meeting, the board shall elect a 1381
chairperson. The chairperson shall be a member of the board who is 1382
a member of the house of representatives. 1383

(E) The board shall do both of the following: 1384

(1) Provide direction, guidance, and oversight to the office; 1385

(2) Publish a report of its activities on or before the first 1386
day of August of each year, and deliver copies of the report to 1387
the governor, the speaker and minority leader of the house of 1388
representatives, and the president and minority leader of the 1389
senate. 1390

Sec. 107.31. (A) As used in this section: 1391

(1) "State institutional facility" means any institution or 1392
other facility, in operation on or after January 1, 2003, for the 1393
housing of any person that is under the control of the department 1394
of rehabilitation and correction, the department of youth 1395
services, the department of mental retardation and developmental 1396
disabilities, the department of mental health, or any other agency 1397
or department of state government. 1398

(2) "Target state agency" means the agency of state 1399
government that operates the institutional facility or facilities 1400
that the governor believes should be closed. 1401

(B) Prior to the closing of a state institutional facility, 1402
the target state agency shall conduct a survey and analysis of the 1403
needs of each client at that facility for the purpose of ensuring 1404
that each client's identified needs during the transition and in 1405
the client's new setting are met. A copy of the analysis, devoid 1406
of any client identifying information, as well as the target state 1407
agency's proposal for meeting the needs of the clients, shall be 1408
submitted to the general assembly in accordance with section 1409
101.68 of the Revised Code at least two months prior to the 1410
closing. 1411

Sec. 107.32. (A) As used in this section and section 107.33 1412
of the Revised Code: 1413

(1) "State institutional facility" means any institution or 1414
other facility for the housing of any person that is under the 1415

control of the department of rehabilitation and correction, the 1416
department of youth services, the department of mental retardation 1417
and developmental disabilities, the department of mental health, 1418
or any other agency or department of state government. 1419

(2) "Target state agency" means the agency of state 1420
government that the governor identifies in a notice provided under 1421
division (C)(1) of this section and that operates an institutional 1422
facility or facilities the governor believes should be closed. 1423

(B) Notwithstanding any other provision of law, the governor 1424
shall not order the closure of any state institutional facility, 1425
for the purpose of expenditure reductions or budget cuts, other 1426
than in accordance with this section. 1427

(C) If the governor determines that necessary expenditure 1428
reductions and budget cuts cannot be made without closing one or 1429
more state institutional facilities, all of the following apply: 1430

(1) The governor shall determine which state agency's 1431
institutional facility or facilities the governor believes should 1432
be closed, shall notify the general assembly and that agency of 1433
that determination, and shall specify in the notice the number of 1434
facilities of that agency that the governor believes should be 1435
closed and the anticipated savings to be obtained through that 1436
closure or those closures. 1437

(2) Upon the governor's provision of the notice described in 1438
division (C)(1) of this section, a state facilities closure 1439
commission shall be created as described in division (D) of this 1440
section regarding the target state agency. Not later than seven 1441
days after the governor provides that notice, the officials with 1442
the duties to appoint members of the commission for the target 1443
state agency, as described in division (D) of this section, shall 1444
appoint the specified members of the commission, and, as soon as 1445
possible after the appointments, the commission shall meet for the 1446

purposes described in that division. Not later than thirty days 1447
after the governor provides the notice described in division 1448
(C)(1) of this section, the state facilities closure commission 1449
shall provide to the general assembly, the governor, and the 1450
target state agency a report that contains the commission's 1451
recommendation as to the state institutional facility or 1452
facilities of the target state agency that the governor may close. 1453
The anticipated savings to be obtained by the commission's 1454
recommendation shall be approximately the same as the anticipated 1455
savings the governor specified in the governor's notice provided 1456
under division (C)(1) of this section, and, if the recommendation 1457
identifies more than one facility, it shall list them in order of 1458
the commission's preference for closure. A state facilities 1459
closure commission created for a particular target state agency 1460
shall make a report only regarding that target state agency and 1461
shall include no recommendations regarding any other state agency 1462
or department in its report. 1463

(3) Upon receipt of the report of the state facilities 1464
closure commission under division (C)(2) of this section for a 1465
target state agency, if the governor still believes that necessary 1466
expenditure reductions and budget cuts cannot be made without 1467
closing one or more state institutional facilities, the governor 1468
may close state institutional facilities of the target state 1469
agency that are identified in the commission's recommendation 1470
contained in the report. Except as otherwise provided in this 1471
division, the governor shall not close any state institutional 1472
facility of the target state agency that is not listed in the 1473
commission's recommendation, and shall not close multiple 1474
institutions in any order other than the order of the commission's 1475
preference as specified in the recommendation. The governor is not 1476
required to follow the recommendation of the commission in closing 1477
an institutional facility if the governor determines that a 1478
significant change in circumstances makes the recommendation 1479

unworkable. 1480

(D) A state facilities closure commission shall be created at 1481
the time and in the manner specified in division (C)(2) of this 1482
section. If more than one state agency or department is a target 1483
state agency, a separate state facilities closure commission shall 1484
be created for each such target state agency. Each commission 1485
consists of eleven members. Three members shall be members of the 1486
house of representatives appointed by the speaker of the house of 1487
representatives, none of the members so appointed may have a state 1488
institutional facility of the target state agency in the member's 1489
district, two of the members so appointed shall be members of the 1490
majority political party in the house of representatives, and one 1491
of the members so appointed shall not be a member of the majority 1492
political party in the house of representatives. Three members 1493
shall be members of the senate appointed by the president of the 1494
senate, none of the members so appointed may have a state 1495
institutional facility of the target state agency in the member's 1496
district, two of the members so appointed shall be members of the 1497
majority political party in the senate, and one of the members so 1498
appointed shall not be a member of the majority political party in 1499
the senate. One member shall be the director of budget and 1500
management. One member shall be the director, or other agency 1501
head, of the target state agency. Two members shall be private 1502
executives with expertise in facility utilization, with one of 1503
these members appointed by the speaker of the house of 1504
representatives and the other appointed by the president of the 1505
senate, and neither of the members so appointed may have a state 1506
institutional facility of the target state agency in the county in 1507
which the member resides. One member shall be a representative of 1508
the Ohio civil service employees' association or other 1509
representative association of the employees of the target state 1510
agency, appointed by the speaker of the house of representatives. 1511
The officials with the duties to appoint members of the commission 1512

shall make the appointments, and the commission shall meet, within 1513
the time periods specified in division (C)(2) of this section. The 1514
members of the commission shall serve without compensation. At the 1515
commission's first meeting, the members shall organize, and 1516
appoint a chairperson and vice-chairperson. 1517

The commission shall determine which state institutional 1518
facility or facilities under the control of the target state 1519
agency for which the commission was created should be closed. In 1520
making this determination, the commission shall, at a minimum, 1521
consider the following factors: 1522

(1) Whether there is a need to reduce the number of 1523
facilities; 1524

(2) The availability of alternate facilities; 1525

(3) The cost effectiveness of the facilities; 1526

(4) The geographic factors associated with each facility and 1527
its proximity to other similar facilities; 1528

(5) The impact of collective bargaining on facility 1529
operations; 1530

(6) The utilization and maximization of resources; 1531

(7) Continuity of the staff and ability to serve the facility 1532
population; 1533

(8) Continuing costs following closure of a facility; 1534

(9) The impact of the closure on the local economy; 1535

(10) Alternatives and opportunities for consolidation with 1536
other facilities. 1537

The commission shall meet as often as necessary to make its 1538
determination, may take testimony and consider all relevant 1539
information, and shall prepare and provide in accordance with 1540
division (C)(2) of this section a report containing its 1541

recommendations. Upon providing the report regarding the target 1542
state agency, the commission shall cease to exist, provided that 1543
another commission shall be created for the same state agency if 1544
the agency is made a target state agency in another report 1545
provided under division (C)(1) of this section and provided that 1546
another commission shall be created for a different state agency 1547
if that other agency is made a target state agency in a report 1548
provided under that division. 1549

Sec. 107.33. Notwithstanding any other provision of law, if 1550
the closure of the particular facility is authorized under section 1551
107.32 of the Revised Code, the governor may terminate any 1552
contract entered into under section 9.06 of the Revised Code for 1553
the private operation and management of any correctional facility 1554
under the control of the department of rehabilitation and 1555
correction, including, but not limited to the initial intensive 1556
program prison established pursuant to section 5120.033 of the 1557
Revised Code as it existed prior to the effective date of this 1558
section, and terminate the operation of, and close that facility. 1559
If the governor terminates a contract for the private operation 1560
and management of a facility, and terminates the operation of, and 1561
closes, the facility as described in this section, inmates in the 1562
facility shall be transferred to another correctional facility 1563
under the control of the department. If the initial intensive 1564
program prison is closed, divisions (G)(2)(a) and (b) of section 1565
2929.13 of the Revised Code have no effect while the facility is 1566
closed. 1567

Sec. 109.32. All annual filing fees obtained by the attorney 1568
general pursuant to section 109.31 of the Revised Code, all 1569
receipts obtained from the sale of the charitable foundations 1570
directory, all registration fees received by the attorney general, 1571
bond forfeitures, awards of costs and attorney's fees, and civil 1572

penalties assessed under Chapter 1716. of the Revised Code, and 1573
all license fees received by the attorney general under section 1574
2915.08, 2915.081, or 2915.082 of the Revised Code shall be paid 1575
into the state treasury to the credit of the charitable law fund. 1576
The charitable law fund shall be used insofar as its moneys are 1577
available for the expenses of the charitable law section of the 1578
office of the attorney general, except that all annual license 1579
fees that are received by the attorney general under section 1580
2915.08, 2915.081, or 2915.082 of the Revised Code and that are 1581
credited to the fund shall be used by the attorney general, or any 1582
law enforcement agency in cooperation with the attorney general, 1583
for the purposes specified in division ~~(G)~~(H) of section 2915.10 1584
of the Revised Code and to administer and enforce Chapter 2915. of 1585
the Revised Code. The expenses of the charitable law section in 1586
excess of moneys available in the charitable law fund shall be 1587
paid out of regular appropriations to the office of the attorney 1588
general. 1589

Sec. 109.57. (A)(1) The superintendent of the bureau of 1590
criminal identification and investigation shall procure from 1591
wherever procurable and file for record photographs, pictures, 1592
descriptions, fingerprints, measurements, and other information 1593
that may be pertinent of all persons who have been convicted of 1594
committing within this state a felony, any crime constituting a 1595
misdemeanor on the first offense and a felony on subsequent 1596
offenses, or any misdemeanor described in division (A)(1)(a) of 1597
section 109.572 of the Revised Code, of all children under 1598
eighteen years of age who have been adjudicated delinquent 1599
children for committing within this state an act that would be a 1600
felony or an offense of violence if committed by an adult or who 1601
have been convicted of or pleaded guilty to committing within this 1602
state a felony or an offense of violence, and of all well-known 1603
and habitual criminals. The person in charge of any county, 1604

multicounty, municipal, municipal-county, or multicounty-municipal 1605
jail or workhouse, community-based correctional facility, halfway 1606
house, alternative residential facility, or state correctional 1607
institution and the person in charge of any state institution 1608
having custody of a person suspected of having committed a felony, 1609
any crime constituting a misdemeanor on the first offense and a 1610
felony on subsequent offenses, or any misdemeanor described in 1611
division (A)(1)(a) of section 109.572 of the Revised Code or 1612
having custody of a child under eighteen years of age with respect 1613
to whom there is probable cause to believe that the child may have 1614
committed an act that would be a felony or an offense of violence 1615
if committed by an adult shall furnish such material to the 1616
superintendent of the bureau. Fingerprints, photographs, or other 1617
descriptive information of a child who is under eighteen years of 1618
age, has not been arrested or otherwise taken into custody for 1619
committing an act that would be a felony or an offense of violence 1620
if committed by an adult, has not been adjudicated a delinquent 1621
child for committing an act that would be a felony or an offense 1622
of violence if committed by an adult, has not been convicted of or 1623
pleaded guilty to committing a felony or an offense of violence, 1624
and is not a child with respect to whom there is probable cause to 1625
believe that the child may have committed an act that would be a 1626
felony or an offense of violence if committed by an adult shall 1627
not be procured by the superintendent or furnished by any person 1628
in charge of any county, multicounty, municipal, municipal-county, 1629
or multicounty-municipal jail or workhouse, community-based 1630
correctional facility, halfway house, alternative residential 1631
facility, or state correctional institution, except as authorized 1632
in section 2151.313 of the Revised Code. 1633

(2) Every clerk of a court of record in this state, other 1634
than the supreme court or a court of appeals, shall send to the 1635
superintendent of the bureau a weekly report containing a summary 1636
of each case involving a felony, involving any crime constituting 1637

a misdemeanor on the first offense and a felony on subsequent 1638
offenses, involving a misdemeanor described in division (A)(1)(a) 1639
of section 109.572 of the Revised Code, or involving an 1640
adjudication in a case in which a child under eighteen years of 1641
age was alleged to be a delinquent child for committing an act 1642
that would be a felony or an offense of violence if committed by 1643
an adult. The clerk of the court of common pleas shall include in 1644
the report and summary the clerk sends under this division all 1645
information described in divisions (A)(2)(a) to (f) of this 1646
section regarding a case before the court of appeals that is 1647
served by that clerk. The summary shall be written on the standard 1648
forms furnished by the superintendent pursuant to division (B) of 1649
this section and shall include the following information: 1650

(a) The incident tracking number contained on the standard 1651
forms furnished by the superintendent pursuant to division (B) of 1652
this section; 1653

(b) The style and number of the case; 1654

(c) The date of arrest; 1655

(d) The date that the person was convicted of or pleaded 1656
guilty to the offense, adjudicated a delinquent child for 1657
committing the act that would be a felony or an offense of 1658
violence if committed by an adult, found not guilty of the 1659
offense, or found not to be a delinquent child for committing an 1660
act that would be a felony or an offense of violence if committed 1661
by an adult, the date of an entry dismissing the charge, an entry 1662
declaring a mistrial of the offense in which the person is 1663
discharged, an entry finding that the person or child is not 1664
competent to stand trial, or an entry of a nolle prosequi, or the 1665
date of any other determination that constitutes final resolution 1666
of the case; 1667

(e) A statement of the original charge with the section of 1668

the Revised Code that was alleged to be violated; 1669

(f) If the person or child was convicted, pleaded guilty, or 1670
was adjudicated a delinquent child, the sentence or terms of 1671
probation imposed or any other disposition of the offender or the 1672
delinquent child. 1673

If the offense involved the disarming of a law enforcement 1674
officer or an attempt to disarm a law enforcement officer, the 1675
clerk shall clearly state that fact in the summary, and the 1676
superintendent shall ensure that a clear statement of that fact is 1677
placed in the bureau's records. 1678

(3) The superintendent shall cooperate with and assist 1679
sheriffs, chiefs of police, and other law enforcement officers in 1680
the establishment of a complete system of criminal identification 1681
and in obtaining fingerprints and other means of identification of 1682
all persons arrested on a charge of a felony, any crime 1683
constituting a misdemeanor on the first offense and a felony on 1684
subsequent offenses, or a misdemeanor described in division 1685
(A)(1)(a) of section 109.572 of the Revised Code and of all 1686
children under eighteen years of age arrested or otherwise taken 1687
into custody for committing an act that would be a felony or an 1688
offense of violence if committed by an adult. The superintendent 1689
also shall file for record the fingerprint impressions of all 1690
persons confined in a county, multicounty, municipal, 1691
municipal-county, or multicounty-municipal jail or workhouse, 1692
community-based correctional facility, halfway house, alternative 1693
residential facility, or state correctional institution for the 1694
violation of state laws and of all children under eighteen years 1695
of age who are confined in a county, multicounty, municipal, 1696
municipal-county, or multicounty-municipal jail or workhouse, 1697
community-based correctional facility, halfway house, alternative 1698
residential facility, or state correctional institution or in any 1699
facility for delinquent children for committing an act that would 1700

be a felony or an offense of violence if committed by an adult, 1701
and any other information that the superintendent may receive from 1702
law enforcement officials of the state and its political 1703
subdivisions. 1704

(4) The superintendent shall carry out Chapter 2950. of the 1705
Revised Code with respect to the registration of persons who are 1706
convicted of or plead guilty to a sexually oriented offense and 1707
with respect to all other duties imposed on the bureau under that 1708
chapter. 1709

(B) The superintendent shall prepare and furnish to every 1710
county, multicounty, municipal, municipal-county, or 1711
multicounty-municipal jail or workhouse, community-based 1712
correctional facility, halfway house, alternative residential 1713
facility, or state correctional institution and to every clerk of 1714
a court in this state specified in division (A)(2) of this section 1715
standard forms for reporting the information required under 1716
division (A) of this section. The standard forms that the 1717
superintendent prepares pursuant to this division may be in a 1718
tangible format, in an electronic format, or in both tangible 1719
formats and electronic formats. 1720

(C) The superintendent may operate a center for electronic, 1721
automated, or other data processing for the storage and retrieval 1722
of information, data, and statistics pertaining to criminals and 1723
to children under eighteen years of age who are adjudicated 1724
delinquent children for committing an act that would be a felony 1725
or an offense of violence if committed by an adult, criminal 1726
activity, crime prevention, law enforcement, and criminal justice, 1727
and may establish and operate a statewide communications network 1728
to gather and disseminate information, data, and statistics for 1729
the use of law enforcement agencies. The superintendent may 1730
gather, store, retrieve, and disseminate information, data, and 1731
statistics that pertain to children who are under eighteen years 1732

of age and that are gathered pursuant to sections 109.57 to 109.61 1733
of the Revised Code together with information, data, and 1734
statistics that pertain to adults and that are gathered pursuant 1735
to those sections. 1736

(D) The information and materials furnished to the 1737
superintendent pursuant to division (A) of this section and 1738
information and materials furnished to any board or person under 1739
division (F) or (G) of this section are not public records under 1740
section 149.43 of the Revised Code. 1741

(E) The attorney general shall adopt rules, in accordance 1742
with Chapter 119. of the Revised Code, setting forth the procedure 1743
by which a person may receive or release information gathered by 1744
the superintendent pursuant to division (A) of this section. A 1745
reasonable fee may be charged for this service. If a temporary 1746
employment service submits a request for a determination of 1747
whether a person the service plans to refer to an employment 1748
position has been convicted of or pleaded guilty to an offense 1749
listed in division (A)(1), (3), (4), ~~or~~ (5), or (6) of section 1750
109.572 of the Revised Code, the request shall be treated as a 1751
single request and only one fee shall be charged. 1752

(F)(1) As used in division (F)(2) of this section, "head 1753
start agency" means an entity in this state that has been approved 1754
to be an agency for purposes of subchapter II of the "Community 1755
Economic Development Act," 95 Stat. 489 (1981), 42 U.S.C.A. 9831, 1756
as amended. 1757

(2)(a) In addition to or in conjunction with any request that 1758
is required to be made under section 109.572, 2151.86, 3301.32, 1759
3301.541, 3319.39, 3701.881, 5104.012, 5104.013, 5123.081, 1760
5126.28, 5126.281, or 5153.111 of the Revised Code, the board of 1761
education of any school district; the director of mental 1762
retardation and developmental disabilities; any county board of 1763
mental retardation and developmental disabilities; any entity 1764

under contract with a county board of mental retardation and 1765
developmental disabilities; the chief administrator of any 1766
chartered nonpublic school; the chief administrator of any home 1767
health agency; the chief administrator of or person operating any 1768
child day-care center, type A family day-care home, or type B 1769
family day-care home licensed or certified under Chapter 5104. of 1770
the Revised Code; the administrator of any type C family day-care 1771
home certified pursuant to Section 1 of Sub. H.B. 62 of the 121st 1772
general assembly or Section 5 of Am. Sub. S.B. 160 of the 121st 1773
general assembly; the chief administrator of any head start 1774
agency; or the executive director of a public children services 1775
agency may request that the superintendent of the bureau 1776
investigate and determine, with respect to any individual who has 1777
applied for employment in any position after October 2, 1989, or 1778
any individual wishing to apply for employment with a board of 1779
education may request, with regard to the individual, whether the 1780
bureau has any information gathered under division (A) of this 1781
section that pertains to that individual. On receipt of the 1782
request, the superintendent shall determine whether that 1783
information exists and, upon request of the person, board, or 1784
entity requesting information, also shall request from the federal 1785
bureau of investigation any criminal records it has pertaining to 1786
that individual. Within thirty days of the date that the 1787
superintendent receives a request, the superintendent shall send 1788
to the board, entity, or person a report of any information that 1789
the superintendent determines exists, including information 1790
contained in records that have been sealed under section 2953.32 1791
of the Revised Code, and, within thirty days of its receipt, shall 1792
send the board, entity, or person a report of any information 1793
received from the federal bureau of investigation, other than 1794
information the dissemination of which is prohibited by federal 1795
law. 1796

(b) When a board of education is required to receive 1797

information under this section as a prerequisite to employment of 1798
an individual pursuant to section 3319.39 of the Revised Code, it 1799
may accept a certified copy of records that were issued by the 1800
bureau of criminal identification and investigation and that are 1801
presented by an individual applying for employment with the 1802
district in lieu of requesting that information itself. In such a 1803
case, the board shall accept the certified copy issued by the 1804
bureau in order to make a photocopy of it for that individual's 1805
employment application documents and shall return the certified 1806
copy to the individual. In a case of that nature, a district only 1807
shall accept a certified copy of records of that nature within one 1808
year after the date of their issuance by the bureau. 1809

(3) The state board of education may request, with respect to 1810
any individual who has applied for employment after October 2, 1811
1989, in any position with the state board or the department of 1812
education, any information that a school district board of 1813
education is authorized to request under division (F)(2) of this 1814
section, and the superintendent of the bureau shall proceed as if 1815
the request has been received from a school district board of 1816
education under division (F)(2) of this section. 1817

(4) When the superintendent of the bureau receives a request 1818
for information that is authorized under section 3319.291 of the 1819
Revised Code, the superintendent shall proceed as if the request 1820
has been received from a school district board of education under 1821
division (F)(2) of this section. 1822

(5) When a recipient of an OhioReads classroom or community 1823
reading grant paid under section 3301.86 or 3301.87 of the Revised 1824
Code or an entity approved by the OhioReads council requests, with 1825
respect to any individual who applies to participate in providing 1826
any program or service through an entity approved by the OhioReads 1827
council or funded in whole or in part by the grant, the 1828
information that a school district board of education is 1829

authorized to request under division (F)(2)(a) of this section, 1830
the superintendent of the bureau shall proceed as if the request 1831
has been received from a school district board of education under 1832
division (F)(2)(a) of this section. 1833

(G) In addition to or in conjunction with any request that is 1834
required to be made under section 173.41, 3701.881, 3712.09, 1835
3721.121, or 3722.151 of the Revised Code with respect to an 1836
individual who has applied for employment in a position that 1837
involves providing direct care to an older adult, the chief 1838
administrator of a PASSPORT agency that provides services through 1839
the PASSPORT program created under section 173.40 of the Revised 1840
Code, home health agency, hospice care program, home licensed 1841
under Chapter 3721. of the Revised Code, adult day-care program 1842
operated pursuant to rules adopted under section 3721.04 of the 1843
Revised Code, or adult care facility may request that the 1844
superintendent of the bureau investigate and determine, with 1845
respect to any individual who has applied after January 27, 1997, 1846
for employment in a position that does not involve providing 1847
direct care to an older adult, whether the bureau has any 1848
information gathered under division (A) of this section that 1849
pertains to that individual. On receipt of the request, the 1850
superintendent shall determine whether that information exists 1851
and, on request of the administrator requesting information, shall 1852
also request from the federal bureau of investigation any criminal 1853
records it has pertaining to that individual. Within thirty days 1854
of the date a request is received, the superintendent shall send 1855
to the administrator a report of any information determined to 1856
exist, including information contained in records that have been 1857
sealed under section 2953.32 of the Revised Code, and, within 1858
thirty days of its receipt, shall send the administrator a report 1859
of any information received from the federal bureau of 1860
investigation, other than information the dissemination of which 1861
is prohibited by federal law. 1862

(H) Information obtained by a board, administrator, or other person under this section is confidential and shall not be released or disseminated. 1863
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(I) The superintendent may charge a reasonable fee for providing information or criminal records under division (F)(2) or (G) of this section. 1866
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Sec. 109.572. (A)(1) Upon receipt of a request pursuant to section 2151.86, 3301.32, 3301.541, 3319.39, 5104.012, 5104.013, or 5153.111 of the Revised Code, a completed form prescribed pursuant to division (C)(1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of or pleaded guilty to any of the following: 1869
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(a) A violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, felonious sexual penetration in violation of former section 2907.12 of the Revised Code, a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, a violation of section 2919.23 of the Revised Code that would have been a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, 1881
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had the violation been committed prior to that date, or a 1894
violation of section 2925.11 of the Revised Code that is not a 1895
minor drug possession offense; 1896

(b) A violation of an existing or former law of this state, 1897
any other state, or the United States that is substantially 1898
equivalent to any of the offenses listed in division (A)(1)(a) of 1899
this section. 1900

(2) On receipt of a request pursuant to section 5123.081 of 1901
the Revised Code with respect to an applicant for employment in 1902
any position with the department of mental retardation and 1903
developmental disabilities, pursuant to section 5126.28 of the 1904
Revised Code with respect to an applicant for employment in any 1905
position with a county board of mental retardation and 1906
developmental disabilities, or pursuant to section 5126.281 of the 1907
Revised Code with respect to an applicant for employment in a 1908
direct services position with an entity contracting with a county 1909
board for employment, a completed form prescribed pursuant to 1910
division (C)(1) of this section, and a set of fingerprint 1911
impressions obtained in the manner described in division (C)(2) of 1912
this section, the superintendent of the bureau of criminal 1913
identification and investigation shall conduct a criminal records 1914
check. The superintendent shall conduct the criminal records check 1915
in the manner described in division (B) of this section to 1916
determine whether any information exists that indicates that the 1917
person who is the subject of the request has been convicted of or 1918
pleaded guilty to any of the following: 1919

(a) A violation of section 2903.01, 2903.02, 2903.03, 1920
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 1921
2905.01, 2905.02, 2905.04, 2905.05, 2907.02, 2907.03, 2907.04, 1922
2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.21, 1923
2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 1924
2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 1925

2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, or 1926
3716.11 of the Revised Code; 1927

(b) An existing or former municipal ordinance or law of this 1928
state, any other state, or the United States that is substantially 1929
equivalent to any of the offenses listed in division (A)(2)(a) of 1930
this section. 1931

(3) On receipt of a request pursuant to section 173.41, 1932
3712.09, 3721.121, or 3722.151 of the Revised Code, a completed 1933
form prescribed pursuant to division (C)(1) of this section, and a 1934
set of fingerprint impressions obtained in the manner described in 1935
division (C)(2) of this section, the superintendent of the bureau 1936
of criminal identification and investigation shall conduct a 1937
criminal records check with respect to any person who has applied 1938
for employment in a position that involves providing direct care 1939
to an older adult. The superintendent shall conduct the criminal 1940
records check in the manner described in division (B) of this 1941
section to determine whether any information exists that indicates 1942
that the person who is the subject of the request previously has 1943
been convicted of or pleaded guilty to any of the following: 1944

(a) A violation of section 2903.01, 2903.02, 2903.03, 1945
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 1946
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 1947
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 1948
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 1949
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 1950
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 1951
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 1952
2925.22, 2925.23, or 3716.11 of the Revised Code; 1953

(b) An existing or former law of this state, any other state, 1954
or the United States that is substantially equivalent to any of 1955
the offenses listed in division (A)(3)(a) of this section. 1956

(4) On receipt of a request pursuant to section 3701.881 of 1957
the Revised Code with respect to an applicant for employment with 1958
a home health agency as a person responsible for the care, 1959
custody, or control of a child, a completed form prescribed 1960
pursuant to division (C)(1) of this section, and a set of 1961
fingerprint impressions obtained in the manner described in 1962
division (C)(2) of this section, the superintendent of the bureau 1963
of criminal identification and investigation shall conduct a 1964
criminal records check. The superintendent shall conduct the 1965
criminal records check in the manner described in division (B) of 1966
this section to determine whether any information exists that 1967
indicates that the person who is the subject of the request 1968
previously has been convicted of or pleaded guilty to any of the 1969
following: 1970

(a) A violation of section 2903.01, 2903.02, 2903.03, 1971
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 1972
2905.01, 2905.02, 2905.04, 2905.05, 2907.02, 2907.03, 2907.04, 1973
2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.21, 1974
2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 1975
2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 1976
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 1977
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code or a 1978
violation of section 2925.11 of the Revised Code that is not a 1979
minor drug possession offense; 1980

(b) An existing or former law of this state, any other state, 1981
or the United States that is substantially equivalent to any of 1982
the offenses listed in division (A)(4)(a) of this section. 1983

(5) On receipt of a request pursuant to section 5111.95 or 1984
5111.96 of the Revised Code with respect to an applicant for 1985
employment with a waiver agency participating in a department of 1986
job and family services administered home and community-based 1987
waiver program or an independent provider participating in a 1988

department administered home and community-based waiver program in 1989
a position that involves providing home and community-based waiver 1990
services to consumers with disabilities, a completed form 1991
prescribed pursuant to division (C)(1) of this section, and a set 1992
of fingerprint impressions obtained in the manner described in 1993
division (C)(2) of this section, the superintendent of the bureau 1994
of criminal identification and investigation shall conduct a 1995
criminal records check. The superintendent shall conduct the 1996
criminal records check in the manner described in division (B) of 1997
this section to determine whether any information exists that 1998
indicates that the person who is the subject of the request 1999
previously has been convicted of or pleaded guilty to any of the 2000
following: 2001

(a) A violation of section 2903.01, 2903.02, 2903.03, 2002
2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2003
2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2907.02, 2004
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2005
2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2006
2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2911.13, 2007
2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 2913.31, 2913.40, 2008
2913.43, 2913.47, 2913.51, 2919.12, 2919.24, 2919.25, 2921.36, 2009
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2010
2925.06, 2925.11, 2925.13, 2925.22, 2925.23, or 3716.11 of the 2011
Revised Code, felonious sexual penetration in violation of former 2012
section 2907.12 of the Revised Code, a violation of section 2013
2905.04 of the Revised Code as it existed prior to July 1, 1996, a 2014
violation of section 2919.23 of the Revised Code that would have 2015
been a violation of section 2905.04 of the Revised Code as it 2016
existed prior to July 1, 1996, had the violation been committed 2017
prior to that date; 2018

(b) An existing or former law of this state, any other state, 2019
or the United States that is substantially equivalent to any of 2020

the offenses listed in division (A)(5)(a) of this section. 2021

(6) On receipt of a request pursuant to section 3701.881 of 2022
the Revised Code with respect to an applicant for employment with 2023
a home health agency in a position that involves providing direct 2024
care to an older adult, a completed form prescribed pursuant to 2025
division (C)(1) of this section, and a set of fingerprint 2026
impressions obtained in the manner described in division (C)(2) of 2027
this section, the superintendent of the bureau of criminal 2028
identification and investigation shall conduct a criminal records 2029
check. The superintendent shall conduct the criminal records check 2030
in the manner described in division (B) of this section to 2031
determine whether any information exists that indicates that the 2032
person who is the subject of the request previously has been 2033
convicted of or pleaded guilty to any of the following: 2034

(a) A violation of section 2903.01, 2903.02, 2903.03, 2035
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2036
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 2037
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 2038
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2039
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 2040
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 2041
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 2042
2925.22, 2925.23, or 3716.11 of the Revised Code; 2043

(b) An existing or former law of this state, any other state, 2044
or the United States that is substantially equivalent to any of 2045
the offenses listed in division (A)~~(5)~~(6)(a) of this section. 2046

~~(6)~~(7) When conducting a criminal records check upon a 2047
request pursuant to section 3319.39 of the Revised Code for an 2048
applicant who is a teacher, in addition to the determination made 2049
under division (A)(1) of this section, the superintendent shall 2050
determine whether any information exists that indicates that the 2051
person who is the subject of the request previously has been 2052

convicted of or pleaded guilty to any offense specified in section 2053
3319.31 of the Revised Code. 2054

~~(7)~~(8) When conducting a criminal records check on a request 2055
pursuant to section 2151.86 of the Revised Code for a person who 2056
is a prospective foster caregiver or who is eighteen years old or 2057
older and resides in the home of a prospective foster caregiver, 2058
the superintendent, in addition to the determination made under 2059
division (A)(1) of this section, shall determine whether any 2060
information exists that indicates that the person has been 2061
convicted of or pleaded guilty to a violation of: 2062

(a) Section 2909.02 or 2909.03 of the Revised Code; 2063

(b) An existing or former law of this state, any other state, 2064
or the United States that is substantially equivalent to section 2065
2909.02 or 2909.03 of the Revised Code. 2066

~~(8)~~(9) Not later than thirty days after the date the 2067
superintendent receives the request, completed form, and 2068
fingerprint impressions, the superintendent shall send the person, 2069
board, or entity that made the request any information, other than 2070
information the dissemination of which is prohibited by federal 2071
law, the superintendent determines exists with respect to the 2072
person who is the subject of the request that indicates that the 2073
person previously has been convicted of or pleaded guilty to any 2074
offense listed or described in division (A)(1), (2), (3), (4), 2075
(5), (6), ~~or (7)~~, or (8) of this section, as appropriate. The 2076
superintendent shall send the person, board, or entity that made 2077
the request a copy of the list of offenses specified in division 2078
(A)(1), (2), (3), (4), (5), (6), ~~or (7)~~, or (8) of this section, 2079
as appropriate. If the request was made under section 3701.881 of 2080
the Revised Code with regard to an applicant who may be both 2081
responsible for the care, custody, or control of a child and 2082
involved in providing direct care to an older adult, the 2083
superintendent shall provide a list of the offenses specified in 2084

divisions (A)(4) and ~~(5)~~(6) of this section. 2085

(B) The superintendent shall conduct any criminal records 2086
check requested under section 173.41, 2151.86, 3301.32, 3301.541, 2087
3319.39, 3701.881, 3712.09, 3721.121, 3722.151, 5104.012, 2088
5104.013, 5111.95, 5111.96, 5123.081, 5126.28, 5126.281, or 2089
5153.111 of the Revised Code as follows: 2090

(1) The superintendent shall review or cause to be reviewed 2091
any relevant information gathered and compiled by the bureau under 2092
division (A) of section 109.57 of the Revised Code that relates to 2093
the person who is the subject of the request, including any 2094
relevant information contained in records that have been sealed 2095
under section 2953.32 of the Revised Code; 2096

(2) If the request received by the superintendent asks for 2097
information from the federal bureau of investigation, the 2098
superintendent shall request from the federal bureau of 2099
investigation any information it has with respect to the person 2100
who is the subject of the request and shall review or cause to be 2101
reviewed any information the superintendent receives from that 2102
bureau. 2103

(C)(1) The superintendent shall prescribe a form to obtain 2104
the information necessary to conduct a criminal records check from 2105
any person for whom a criminal records check is required by 2106
section 173.41, 2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 2107
3712.09, 3721.121, 3722.151, 5104.012, 5104.013, 5111.95, 5111.96, 2108
5123.081, 5126.28, 5126.281, or 5153.111 of the Revised Code. The 2109
form that the superintendent prescribes pursuant to this division 2110
may be in a tangible format, in an electronic format, or in both 2111
tangible and electronic formats. 2112

(2) The superintendent shall prescribe standard impression 2113
sheets to obtain the fingerprint impressions of any person for 2114
whom a criminal records check is required by section 173.41, 2115

2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 2116
3722.151, 5104.012, 5104.013, 5111.95, 5111.96, 5123.081, 5126.28, 2117
5126.281, or 5153.111 of the Revised Code. Any person for whom a 2118
records check is required by any of those sections shall obtain 2119
the fingerprint impressions at a county sheriff's office, 2120
municipal police department, or any other entity with the ability 2121
to make fingerprint impressions on the standard impression sheets 2122
prescribed by the superintendent. The office, department, or 2123
entity may charge the person a reasonable fee for making the 2124
impressions. The standard impression sheets the superintendent 2125
prescribes pursuant to this division may be in a tangible format, 2126
in an electronic format, or in both tangible and electronic 2127
formats. 2128

(3) Subject to division (D) of this section, the 2129
superintendent shall prescribe and charge a reasonable fee for 2130
providing a criminal records check requested under section 173.41, 2131
2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 2132
3722.151, 5104.012, 5104.013, 5111.95, 5111.96, 5123.081, 5126.28, 2133
5126.281, or 5153.111 of the Revised Code. The person making a 2134
criminal records request under section 173.41, 2151.86, 3301.32, 2135
3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 3722.151, 2136
5104.012, 5104.013, 5111.95, 5111.96, 5123.081, 5126.28, 5126.281, 2137
or 5153.111 of the Revised Code shall pay the fee prescribed 2138
pursuant to this division. A person making a request under section 2139
3701.881 of the Revised Code for a criminal records check for an 2140
applicant who may be both responsible for the care, custody, or 2141
control of a child and involved in providing direct care to an 2142
older adult shall pay one fee for the request. 2143

(4) The superintendent of the bureau of criminal 2144
identification and investigation may prescribe methods of 2145
forwarding fingerprint impressions and information necessary to 2146
conduct a criminal records check, which methods shall include, but 2147

not be limited to, an electronic method. 2148

(D) A determination whether any information exists that 2149
indicates that a person previously has been convicted of or 2150
pleaded guilty to any offense listed or described in division 2151
(A)(1)(a) or (b), (A)(2)(a) or (b), (A)(3)(a) or (b), (A)(4)(a) or 2152
(b), (A)(5)(a) or (b), (A)(6), ~~or~~ (A)(7)(a) or (b), or (A)(8)(a) 2153
or (b) of this section that is made by the superintendent with 2154
respect to information considered in a criminal records check in 2155
accordance with this section is valid for the person who is the 2156
subject of the criminal records check for a period of one year 2157
from the date upon which the superintendent makes the 2158
determination. During the period in which the determination in 2159
regard to a person is valid, if another request under this section 2160
is made for a criminal records check for that person, the 2161
superintendent shall provide the information that is the basis for 2162
the superintendent's initial determination at a lower fee than the 2163
fee prescribed for the initial criminal records check. 2164

(E) As used in this section: 2165

(1) "Criminal records check" means any criminal records check 2166
conducted by the superintendent of the bureau of criminal 2167
identification and investigation in accordance with division (B) 2168
of this section. 2169

(2) "Home and community-based waiver services" and "waiver 2170
agency" have the same meanings as in section 5111.95 of the 2171
Revised Code. 2172

(3) "Independent provider" has the same meaning as in section 2173
5111.96 of the Revised Code. 2174

(4) "Minor drug possession offense" has the same meaning as 2175
in section 2925.01 of the Revised Code. 2176

~~(3)~~(5) "Older adult" means a person age sixty or older. 2177

Sec. 117.101. The auditor of state ~~may establish~~ shall 2178
provide, operate, and maintain a uniform and compatible 2179
computerized financial management and accounting system known as 2180
the uniform accounting network. ~~Any such~~ The network shall be 2181
designed to provide public offices, other than state agencies and 2182
the Ohio education computer network and public school districts, 2183
with efficient and economical access to data processing and 2184
management information facilities and expertise. In accordance 2185
with this objective, activities of the network shall include, but 2186
not be limited to, provision, maintenance, and operation of the 2187
following facilities and services: 2188

(A) A cooperative program of technical assistance for public 2189
offices, other than state agencies and the Ohio education computer 2190
network and public school districts, including, but not limited 2191
to, an adequate computer software system and a data base; 2192

(B) An information processing service center providing 2193
approved computerized financial accounting and reporting services 2194
to participating public offices. 2195

The auditor of state and any public office, other than a 2196
state agency and the Ohio education computer network and public 2197
school districts, may enter into any necessary agreements, without 2198
advertisement or bidding, for the provision of necessary goods, 2199
materials, supplies, and services to such public offices by the 2200
auditor of state through the network. 2201

The auditor of state may, by rule, provide for a system of 2202
user fees to be charged participating public offices for goods, 2203
materials, supplies, and services received from the network. All 2204
such fees shall be paid into the state treasury to the credit of 2205
the uniform accounting network fund, which is hereby created. The 2206
fund shall be used by the auditor of state to pay the costs of 2207
establishing and maintaining the network. The fund shall be 2208

assessed a proportionate share of the auditor of state's 2209
administrative costs in accordance with procedures prescribed by 2210
the auditor of state and approved by the director of budget and 2211
management. 2212

Sec. 117.16. (A) The auditor of state shall do all of the 2213
following: 2214

(1) Develop a force account project assessment form that each 2215
public office that undertakes force account projects shall use to 2216
estimate or report the cost of a force account project. The form 2217
shall include costs for employee salaries and benefits, any other 2218
labor costs, materials, freight, fuel, hauling, overhead expense, 2219
workers' compensation premiums, and all other items of cost and 2220
expense, including a reasonable allowance for the use of all tools 2221
and equipment used on or in connection with such work and for the 2222
depreciation on the tools and equipment. 2223

(2) Make the form available to public offices by any 2224
cost-effective, convenient method accessible to the auditor of 2225
state and the public offices; 2226

(3) When conducting an audit under this chapter of ~~such a~~ 2227
public office ~~under this chapter~~ that undertakes force account 2228
projects, examine ~~a sample of~~ the forms and records of ~~any a~~ 2229
sampling of the force account ~~project that~~ projects the public 2230
office completed since an audit was last conducted, to determine 2231
compliance with ~~the~~ its force account limits ~~and other force~~ 2232
~~account provisions established by law. If the auditor of state~~ 2233
~~finds a violation of the force account limits, the auditor of~~ 2234
~~state shall conduct an audit of each force account project~~ 2235
~~completed since an audit was last conducted.~~ 2236

(B) If the auditor of state receives a complaint from any 2237
person that a public office has violated the force account limits 2238
established for that office, the auditor of state may conduct an 2239

audit in addition to the audit provided in section 117.11 of the Revised Code if the auditor of state has reasonable cause to believe that an additional audit is in the public interest.

(C)(1) If the auditor of state finds that a county, township, or municipal corporation violated the force account limits established for that political subdivision, the auditor of state, in addition to any other action authorized by this chapter, shall notify the political subdivision that, for a period of one year from the date of the notification, the force account limits for the subdivision are reduced as follows:

(a) For a county, the limits shall be ten thousand dollars per mile for construction or reconstruction of a road and forty thousand dollars for construction, reconstruction, maintenance, or repair of a bridge or culvert;

(b) For a township, the limit shall be fifteen thousand dollars for maintenance and repair of a road or five thousand per mile for construction or reconstruction of a township road;

(c) For a municipal corporation, the limit shall be ten thousand dollars for the construction, reconstruction, widening, resurfacing, or repair of a street or other public way.

(2) If the auditor of state finds that a county, township, or municipal corporation violated the force account limits established for that political subdivision a second or subsequent time, the auditor of state, in addition to any other action authorized by this chapter, shall notify the political subdivision that, for a period of two years from the date of the notification, the force account limits for the subdivision are reduced in accordance with division (C)(1)(a), (b), or (c) of this section.

(3) If the auditor of state finds that a county, township, or municipal corporation violated the force account limits established for that political subdivision a third or subsequent

time, the ~~subdivision shall pay the~~ auditor of state shall certify 2271
to the tax commissioner an amount the auditor of state determines 2272
to be twenty per cent of the total cost of the force account 2273
project that is the basis of the violation. ~~The~~ Upon receipt of 2274
this certification, the tax commissioner shall withhold the 2275
certified amount from any funds under the tax commissioner's 2276
control that are due or payable to that political subdivision. The 2277
tax commissioner shall promptly deposit this withheld amount to 2278
the credit of the local transportation improvement program fund 2279
created by section 164.14 of the Revised Code. 2280

If the tax commissioner determines that no funds are due and 2281
payable to the violating political subdivision or that 2282
insufficient amounts of such funds are available to cover the 2283
entire certified amount, the tax commissioner shall withhold and 2284
deposit to the credit of the local transportation improvement 2285
program fund any amount available and certify the remaining amount 2286
to be withheld to the county auditor of the county in which the 2287
political subdivision is located. The county auditor shall 2288
withhold from that political subdivision any amount, up to that 2289
certified by the tax commissioner, that is available from any 2290
funds under the county auditor's control, that is due or payable 2291
to that political subdivision, and that can be lawfully withheld. 2292
The county auditor shall promptly pay that withheld amount to the 2293
tax commissioner for deposit into the local transportation 2294
improvement program fund. 2295

The payments required under division (C)(3) of this section 2296
are in addition to the force account limit reductions ~~under~~ 2297
described in division (C)(2) of this section and also are in 2298
addition to any other action authorized by this chapter. ~~The~~ 2299
~~auditor of state shall certify any money due under division (C)(3)~~ 2300
~~of this section for collection in accordance with division (D) of~~ 2301
~~section 117.13 of the Revised Code.~~ 2302

(D) If the auditor of state finds that a county, township, or municipal corporation violated its force account ~~limit~~ limits when participating in a joint force account project, the auditor of state shall impose the reduction in force account limits under division (C) of this section on all entities participating in the joint project.

(E) As used in this section, "force account limits" means any of the following, as applicable:

(1) For a county, the amounts established in section 5543.19 of the Revised Code;

(2) For a township, the amounts established in section 5575.01 of the Revised Code;

(3) For a municipal corporation, the amount established in section 723.52 of the Revised Code;

(4) For the department of transportation, the amount established in section 5517.02 of the Revised Code.

Sec. 117.44. To enhance local officials' background and working knowledge of government accounting, budgeting and financing, financial report preparation, and the rules adopted by the auditor of state, the auditor of state shall hold training programs for persons elected for the first time as township clerks, city auditors, and village clerks, between the first day of December and the ~~fifteenth~~ first day of ~~February~~ April immediately following a general election for any of these offices. Similar training may also be provided to any township clerk, city auditor, or village clerk who is appointed to fill a vacancy or who is elected in a special election.

The auditor of state also shall develop and provide an annual training program of continuing education for village clerks.

The auditor of state shall determine the manner, content, and

length of the training programs after consultation with 2333
appropriate statewide organizations of local governmental 2334
officials. The auditor of state shall charge the political 2335
subdivisions that the trainees represent a registration fee that 2336
will meet actual and necessary expenses of the training, including 2337
instructor fees, site acquisition costs, and the cost of course 2338
materials. The necessary personal expenses incurred by the 2339
officials as a result of attending the training program shall be 2340
borne by the political subdivisions they represent. 2341

The auditor of state shall allow any other interested person 2342
to attend any of the training programs that the auditor of state 2343
holds pursuant to this section; provided, that before attending 2344
any such training program, the interested person shall pay to the 2345
auditor of state the full registration fee that the auditor of 2346
state has set for the training program. 2347

The auditor of state may provide any other appropriate 2348
training or educational programs that may be developed and offered 2349
by the auditor of state or in collaboration with one or more other 2350
state agencies, political subdivisions, or other public or private 2351
entities. 2352

There is hereby established in the state treasury the auditor 2353
of state training program fund, to be used by the auditor of state 2354
for the actual and necessary expenses of any training programs 2355
held pursuant to this section, section 117.441, or section 321.46 2356
of the Revised Code. All registration fees collected under this 2357
section shall be paid into the fund. 2358

Sec. 117.45. (A) The auditor of state shall draw warrants 2359
against the treasurer of state pursuant to all requests for 2360
payment that the director of budget and management has approved 2361
under section 126.07 of the Revised Code. 2362

(B) Unless the director of job and family services has 2363

provided for the making of payments by electronic benefit 2364
transfer, if a financial institution and account have been 2365
designated by the participant or recipient, payment by the auditor 2366
of state to a participant in the Ohio works first program pursuant 2367
to Chapter 5107. of the Revised Code or a recipient of disability 2368
financial assistance pursuant to Chapter 5115. of the Revised Code 2369
shall be made by direct deposit to the account of the participant 2370
or recipient in the financial institution. Payment by the auditor 2371
of state to a recipient of benefits distributed through the medium 2372
of electronic benefit transfer pursuant to section 5101.33 of the 2373
Revised Code shall be by electronic benefit transfer. Payment by 2374
the auditor of state as compensation to an employee of the state 2375
who has, pursuant to section 124.151 of the Revised Code, 2376
designated a financial institution and account for the direct 2377
deposit of such payments shall be made by direct deposit to the 2378
account of the employee. Payment to any other payee who has 2379
designated a financial institution and account for the direct 2380
deposit of such payment may be made by direct deposit to the 2381
account of the payee in the financial institution as provided in 2382
section 9.37 of the Revised Code. The auditor of state shall 2383
contract with an authorized financial institution for the services 2384
necessary to make direct deposits or electronic benefit transfers 2385
under this division and draw lump sum warrants payable to that 2386
institution in the amount to be transferred. Accounts maintained 2387
by the auditor of state or the auditor of state's agent in a 2388
financial institution for the purpose of effectuating payment by 2389
direct deposit or electronic benefit transfer shall be maintained 2390
in accordance with section 135.18 of the Revised Code. 2391

(C) All other payments from the state treasury shall be made 2392
by paper warrants or by direct deposit payable to the respective 2393
payees. The auditor of state may mail the paper warrants to the 2394
respective payees or distribute them through other state agencies, 2395
whichever the auditor of state determines to be the better 2396

procedure.	2397
(D) If the average per transaction cost the auditor of state	2398
incurs in making direct deposits for a state agency exceeds the	2399
average per transaction cost the auditor of state incurs in	2400
drawing paper warrants for all public offices during the same	2401
period of time, the auditor of state may certify the difference in	2402
cost and the number of direct deposits for the agency to the	2403
director of administrative services. The director shall reimburse	2404
the auditor of state for such additional costs and add the amount	2405
to the processing charge assessed upon the state agency.	2406
Sec. 121.04. Offices are created within the several	2407
departments as follows:	2408
In the department of commerce:	2409
Commissioner of securities;	2410
Superintendent of real estate and professional	2411
licensing;	
Superintendent of financial institutions;	2412
Fire marshal;	2413
Superintendent of labor and worker safety;	2414
Beginning on July 1, 1997,	2415
Superintendent of liquor control;	2416
Superintendent of industrial compliance.	2417
In the department of administrative services:	2418
State architect and engineer;	2419
Equal employment opportunity coordinator.	2420
In the department of agriculture:	2421
Chiefs of divisions as follows:	2422
Administration;	2423
Animal industry;	2424
Dairy;	2425

Food safety;	2426
Plant industry;	2427
Markets;	2428
Meat inspection;	2429
Consumer analytical laboratory;	2430
Amusement ride safety;	2431
Enforcement;	2432
Weights and measures.	2433
In the department of natural resources:	2434
Chiefs of divisions as follows:	2435
Water;	2436
Mineral resources management;	2437
Forestry;	2438
Natural areas and preserves;	2439
Wildlife;	2440
Geological survey;	2441
Parks and recreation;	2442
Watercraft;	2443
Recycling and litter prevention;	2444
Civilian conservation;	2445
Soil and water conservation;	2446
Real estate and land management;	2447
Engineering.	2448
In the department of insurance:	2449
Deputy superintendent of insurance;	2450
Assistant superintendent of insurance, technical;	2451
Assistant superintendent of insurance, administrative;	2452
Assistant superintendent of insurance, research.	2453
Sec. 121.08. (A) There is hereby created in the department of	2454
commerce the position of deputy director of administration. This	2455
officer shall be appointed by the director of commerce, serve	2456

under the director's direction, supervision, and control, perform 2457
such duties as the director prescribes, and hold office during the 2458
director's pleasure. The director of commerce may designate an 2459
assistant director of commerce to serve as the deputy director of 2460
administration. The deputy director of administration shall 2461
perform such duties as are prescribed by the director of commerce 2462
in supervising the activities of the division of administration of 2463
the department of commerce. 2464

(B) Except as provided in section 121.07 of the Revised Code, 2465
the department of commerce shall have all powers and perform all 2466
duties vested in the deputy director of administration, the state 2467
fire marshal, the superintendent of financial institutions, the 2468
superintendent of real estate and professional licensing, the 2469
superintendent of liquor control, the superintendent of the 2470
division of industrial compliance, the superintendent of labor and 2471
worker safety, and the commissioner of securities, and shall have 2472
all powers and perform all duties vested by law in all officers, 2473
deputies, and employees of such offices. Except as provided in 2474
section 121.07 of the Revised Code, wherever powers are conferred 2475
or duties imposed upon any of such officers, such powers and 2476
duties shall be construed as vested in the department of commerce. 2477

(C)(1) There is hereby created in the department of commerce 2478
a division of financial institutions, which shall have all powers 2479
and perform all duties vested by law in the superintendent of 2480
financial institutions. Wherever powers are conferred or duties 2481
imposed upon the superintendent of financial institutions, such 2482
powers and duties shall be construed as vested in the division of 2483
financial institutions. The division of financial institutions 2484
shall be administered by a superintendent of financial 2485
institutions. 2486

(2) All provisions of law governing the superintendent of 2487
financial institutions shall apply to and govern the 2488

superintendent of financial institutions provided for in this 2489
section; all authority vested by law in the superintendent of 2490
financial institutions with respect to the management of the 2491
division of financial institutions shall be construed as vested in 2492
the superintendent of financial institutions created by this 2493
section with respect to the division of financial institutions 2494
provided for in this section; and all rights, privileges, and 2495
emoluments conferred by law upon the superintendent of financial 2496
institutions shall be construed as conferred upon the 2497
superintendent of financial institutions as head of the division 2498
of financial institutions. The director of commerce shall not 2499
transfer from the division of financial institutions any of the 2500
functions specified in division (C)(2) of this section. 2501

(D) Beginning on July 1, 1997, there is hereby created in the 2502
department of commerce a division of liquor control, which shall 2503
have all powers and perform all duties vested by law in the 2504
superintendent of liquor control. Wherever powers are conferred or 2505
duties are imposed upon the superintendent of liquor control, 2506
those powers and duties shall be construed as vested in the 2507
division of liquor control. The division of liquor control shall 2508
be administered by a superintendent of liquor control. 2509

(E) The director of commerce shall not be interested, 2510
directly or indirectly, in any firm or corporation which is a 2511
dealer in securities as defined in sections 1707.01 and 1707.14 of 2512
the Revised Code, or in any firm or corporation licensed under 2513
sections 1321.01 to 1321.19 of the Revised Code. 2514

(F) The director of commerce shall not have any official 2515
connection with a savings and loan association, a savings bank, a 2516
bank, a bank holding company, a savings and loan association 2517
holding company, a consumer finance company, or a credit union 2518
that is under the supervision of the division of financial 2519
institutions, or a subsidiary of any of the preceding entities, or 2520

be interested in the business thereof. 2521

(G) There is hereby created in the state treasury the 2522
division of administration fund. The fund shall receive 2523
assessments on the operating funds of the department of commerce 2524
in accordance with procedures prescribed by the director of 2525
commerce and approved by the director of budget and management. 2526
All operating expenses of the division of administration shall be 2527
paid from the division of administration fund. 2528

(H) There is hereby created in the department of commerce a 2529
division of real estate and professional licensing, which shall be 2530
under the control and supervision of the director of commerce. The 2531
division of real estate and professional licensing shall be 2532
administered by a superintendent of real estate and professional 2533
licensing. The superintendent of real estate and professional 2534
licensing shall exercise the powers and perform the functions and 2535
duties delegated to the superintendent under Chapters ~~4707.~~, 2536
4735., 4749., 4763., and 4767. of the Revised Code. 2537

(I) There is hereby created in the department of commerce a 2538
division of labor and worker safety, which shall have all powers 2539
and perform all duties vested by law in the superintendent of 2540
labor and worker safety. Wherever powers are conferred or duties 2541
imposed upon the superintendent of labor and worker safety, such 2542
powers and duties shall be construed as vested in the division of 2543
labor and worker safety. The division of labor and worker safety 2544
is under the control and supervision of the director of commerce, 2545
and administered by a superintendent of labor and worker safety. 2546
The superintendent of labor and worker safety shall exercise the 2547
powers and perform the duties delegated to the superintendent by 2548
the director under Chapters ~~4709.~~ 4109., ~~4711.~~ 4111., ~~4715.~~ 4115., 2549
and ~~4767.~~ 4167. of the Revised Code. 2550

Sec. 121.084. (A) All moneys collected under sections 2551

~~1333.96,~~ 3783.05, 3791.07, 4104.07, 4104.18, ~~4104.42,~~ 4104.44, 2552
~~4104.45,~~ 4105.17, 4105.20, 4169.03, 4171.04, and 5104.051 of the 2553
Revised Code, and any other moneys collected by the division of 2554
industrial compliance shall be paid into the state treasury to the 2555
credit of the industrial compliance operating fund, which is 2556
hereby created. The department of commerce shall use the moneys in 2557
the fund for paying the operating expenses of the division and the 2558
administrative assessment described in division (B) of this 2559
section. 2560

(B) The director of commerce, with the approval of the 2561
director of budget and management, shall prescribe procedures for 2562
assessing the industrial compliance operating fund a proportionate 2563
share of the administrative costs of the department of commerce. 2564
The assessment shall be made in accordance with those procedures 2565
and be paid from the industrial compliance operating fund to the 2566
division of administration fund created in section 121.08 of the 2567
Revised Code. 2568

Sec. 121.36. (A) As used in this section, "home care 2569
dependent adult" means an individual who resides in a private home 2570
or other noninstitutional and unlicensed living arrangement, 2571
without the presence of a parent or guardian, but has health and 2572
safety needs that require the provision of regularly scheduled 2573
home care services to remain in the home or other living 2574
arrangement because one of the following is the case: 2575

(1) The individual is at least twenty-one years of age but 2576
less than sixty years of age and has a physical disability or 2577
mental impairment. 2578

(2) The individual is sixty years of age or older, regardless 2579
of whether the individual has a physical disability or mental 2580
impairment. 2581

(B) Except as provided in division (D) of this section, the 2582

departments of mental retardation and developmental disabilities, 2583
aging, job and family services, and health shall each implement 2584
this section with respect to all contracts entered into by the 2585
department for the provision of home care services to home care 2586
dependent adults that are paid for in whole or in part with 2587
federal, state, or local funds. Except as provided in division (D) 2588
of this section, each department shall also require all public and 2589
private entities that receive money from or through the department 2590
to comply with this section when entering into contracts for the 2591
provision of home care services to home care dependent adults that 2592
are paid for in whole or in part with federal, state, or local 2593
funds. Such entities may include county boards of mental 2594
retardation and developmental disabilities, area agencies on 2595
aging, county departments of job and family services, and boards 2596
of health of city and general health districts. 2597

(C) Beginning one year after the effective date of this 2598
section, each contract subject to this section shall include terms 2599
requiring that the provider of home care services to home care 2600
dependent adults have a system in place that effectively monitors 2601
the delivery of the services by its employees. To be considered an 2602
effective monitoring system for purposes of the contract, the 2603
system established by a provider must include at least the 2604
following components: 2605

(1) When providing home care services to home care dependent 2606
adults who have a mental impairment or life-threatening health 2607
condition, a mechanism to verify whether the provider's employees 2608
are present at the location where the services are to be provided 2609
and at the time the services are to be provided; 2610

(2) When providing home care services to all other home care 2611
dependent adults, a system to verify at the end of each working 2612
day whether the provider's employees have provided the services at 2613
the proper location and time; 2614

(3) A protocol to be followed in scheduling a substitute employee when the monitoring system identifies that an employee has failed to provide home care services at the proper location and time, including standards for determining the length of time that may elapse without jeopardizing the health and safety of the home care dependent adult; 2615
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(4) Procedures for maintaining records of the information obtained through the monitoring system; 2621
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(5) Procedures for compiling annual reports of the information obtained through the monitoring system, including statistics on the rate at which home care services were provided at the proper location and time; 2623
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(6) Procedures for conducting random checks of the accuracy of the monitoring system. For purposes of conducting these checks, a random check is considered to be a check of not more than five per cent of the home care visits the provider's employees make to different home care dependent adults within a particular work shift. 2627
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(D) In implementing this section, the departments shall exempt providers of home care services who are self-employed providers with no other employees or are otherwise considered by the departments not to be agency providers. The departments shall conduct a study on how the exempted providers may be made subject to the requirement of effectively monitoring whether home care services are being provided and have been provided at the proper location and time. Not later than two years after the effective date of this section, the departments shall prepare a report of their findings and recommendations. The report shall be submitted to the president of the senate and the speaker of the house of representatives. 2633
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(E) The departments of mental retardation and developmental 2645

disabilities, aging, job and family services, and health shall 2646
each adopt rules as necessary to implement this section. The rules 2647
shall be adopted in accordance with Chapter 119. of the Revised 2648
Code. 2649

Sec. 121.41. As used in sections 121.41 to 121.50 of the 2650
Revised Code: 2651

(A) "Appropriate ethics commission" has the same meaning as 2652
in section 102.01 of the Revised Code. 2653

(B) "Appropriate licensing agency" means a public or private 2654
entity that is responsible for licensing, certifying, or 2655
registering persons who are engaged in a particular vocation. 2656

(C) "Person" has the same meaning as in section 1.59 of the 2657
Revised Code and also includes any officer or employee of the 2658
state or any political subdivision of the state. 2659

(D)(1) "State agency" has the same meaning as in section 1.60 2660
of the Revised Code ~~but~~ and also includes any of the following: 2661

(a) The Ohio retirement study council; 2662

(b) The public employees retirement system, state teachers 2663
retirement system, school employees retirement system, Ohio police 2664
and fire pension fund, and state highway patrol retirement system; 2665

(c) The Ohio historical society. 2666

(2) "State agency" does not include any of the following: 2667

~~(1)~~(a) The general assembly; 2668

~~(2)~~(b) Any court; 2669

~~(3)~~(c) The secretary of state, auditor of state, treasurer of 2670
state, or attorney general and their respective offices; 2671

(d) Any member of the Ohio retirement study council, of the 2672
board of trustees of the Ohio police and fire pension fund, or of 2673

the retirement board of the public employees retirement system, 2674
the state teachers retirement system, the school employees 2675
retirement system, or the state highway patrol retirement system 2676
who is under the jurisdiction of the joint legislative ethics 2677
committee or the board of commissioners on grievances and 2678
discipline of the supreme court. 2679

(E) "State employee" means any person who is an employee of a 2680
state agency or any person who does business with the state. 2681

(F) "State officer" means any person who is elected or 2682
appointed to a public office in a state agency. 2683

(G) "Wrongful act or omission" means an act or omission, 2684
committed in the course of office holding or employment, that is 2685
not in accordance with the requirements of law or ~~such~~ the 2686
standards of proper governmental conduct ~~as~~ that are commonly 2687
accepted in the community and thereby subverts, or tends to 2688
subvert, the process of government. 2689

Sec. 121.48. There is hereby created the office of the 2690
inspector general, to be headed by the inspector general. 2691

The governor shall appoint the inspector general, subject to 2692
section 121.49 of the Revised Code and the advice and consent of 2693
the senate. The inspector general shall hold office for a term 2694
coinciding with the term of the appointing governor. The governor 2695
may remove the inspector general from office only after delivering 2696
written notice to the inspector general of the reasons for which 2697
~~he~~ the governor intends to remove ~~him~~ the inspector general from 2698
office and providing ~~him~~ the inspector general with an opportunity 2699
to appear and show cause why ~~he~~ the inspector general should not 2700
be removed. 2701

In addition to the duties imposed by section 121.42 of the 2702
Revised Code, the inspector general shall manage the office of the 2703

inspector general. The inspector general shall establish and 2704
maintain offices in Columbus. 2705

The inspector general may appoint one or more deputy 2706
inspectors general. Each deputy inspector general shall serve for 2707
a term coinciding with the term of the appointing inspector 2708
general, and shall perform ~~such~~ the duties, including the 2709
performance of investigations, ~~as~~ that are assigned by the 2710
inspector general. All deputy inspectors general are in the 2711
unclassified service and serve at the pleasure of the inspector 2712
general. 2713

In addition to deputy inspectors general, the inspector 2714
general may appoint ~~such~~ professional, technical, and clerical 2715
employees ~~as~~ that are necessary for the effective and efficient 2716
operation of the office of the inspector general. All 2717
professional, technical, and clerical employees of the office of 2718
the inspector general are in the unclassified service and serve at 2719
the pleasure of the appointing inspector general. 2720

The inspector general may enter into any contracts that are 2721
necessary to the operation of the office of the inspector general. 2722
The contracts may include, but are not limited to, contracts for 2723
the services of persons who are experts in a particular field and 2724
whose expertise is necessary to the successful completion of an 2725
investigation. 2726

The inspector general may accept from private parties, state 2727
agencies, or other entities reimbursement of the costs of 2728
investigations by the inspector general that result in judicial or 2729
administrative proceedings against the parties, agencies, or 2730
entities. 2731

Not later than the first day of March in each year, the 2732
inspector general shall publish an annual report summarizing the 2733
activities of ~~his~~ the inspector general's office during the 2734

previous calendar year. The annual report shall not disclose the 2735
results of any investigation insofar as the results are designated 2736
as confidential under section 121.44 of the Revised Code. 2737

The inspector general shall provide copies of ~~his~~ the 2738
inspector general's annual report to the governor and the general 2739
assembly. The inspector general also shall provide a copy of ~~his~~ 2740
the annual report to any other person who requests the copy and 2741
pays a fee prescribed by the inspector general. The fee shall not 2742
exceed the cost of reproducing and delivering the annual report. 2743

Sec. 121.62. (A) Each executive agency lobbyist and each 2744
employer shall file with the joint legislative ethics committee, 2745
within ten days following the engagement of an executive agency 2746
lobbyist, an initial registration statement showing all of the 2747
following: 2748

(1) The name, business address, and occupation of the 2749
executive agency lobbyist; 2750

(2) The name and business address of the employer or of the 2751
real party in interest on whose behalf the executive agency 2752
lobbyist is acting, if it is different from the employer. For the 2753
purposes of division (A) of this section, where a trade 2754
association or other charitable or fraternal organization that is 2755
exempt from federal income taxation under subsection 501(c) of the 2756
federal Internal Revenue Code is the employer, the statement need 2757
not list the names and addresses of every member of the 2758
association or organization, so long as the association or 2759
organization itself is listed. 2760

(3) A brief description of the executive agency decision to 2761
which the engagement relates; 2762

(4) The name of the executive agency or agencies to which the 2763
engagement relates. 2764

(B) In addition to the initial registration statement 2765
required by division (A) of this section, each executive agency 2766
lobbyist and employer shall file with the joint committee, not 2767
later than the last day of January, May, and September of each 2768
year, an updated registration statement that confirms the 2769
continuing existence of each engagement described in an initial 2770
registration statement and that lists the specific executive 2771
agency decisions that the lobbyist sought to influence under the 2772
engagement during the period covered by the updated statement, and 2773
with it any statement of expenditures required to be filed by 2774
section 121.63 of the Revised Code and any details of financial 2775
transactions required to be filed by section 121.64 of the Revised 2776
Code. 2777

(C) If an executive agency lobbyist is engaged by more than 2778
one employer, the lobbyist shall file a separate initial and 2779
updated registration statement for each engagement. If an employer 2780
engages more than one executive agency lobbyist, the employer need 2781
file only one updated registration statement under division (B) of 2782
this section, which shall contain the information required by 2783
division (B) of this section regarding all of the executive agency 2784
lobbyists engaged by the employer. 2785

(D)(1) A change in any information required by division 2786
(A)(1), (2), or (B) of this section shall be reflected in the next 2787
updated registration statement filed under division (B) of this 2788
section. 2789

(2) Within thirty days following the termination of an 2790
engagement, the executive agency lobbyist who was employed under 2791
the engagement shall send written notification of the termination 2792
to the joint committee. 2793

(E) A registration fee of ~~ten~~ twenty-five dollars shall be 2794
charged for filing an initial registration statement. All money 2795

collected from this fee shall be deposited into the ~~state treasury~~ 2796
~~to the credit of the joint legislative ethics committee fund~~ 2797
~~created under section 101.34 of the Revised Code~~ general revenue 2798
fund of the state. 2799

(F) Upon registration pursuant to this section, an executive 2800
agency lobbyist shall be issued a card by the joint committee 2801
showing that the lobbyist is registered. The registration card and 2802
the executive agency lobbyist's registration shall be valid from 2803
the date of their issuance until the thirty-first day of January 2804
of the year following the year in which the initial registration 2805
was filed. 2806

(G) The executive director of the joint committee shall be 2807
responsible for reviewing each registration statement filed with 2808
the joint committee under this section and for determining whether 2809
the statement contains all of the required information. If the 2810
joint committee determines that the registration statement does 2811
not contain all of the required information or that an executive 2812
agency lobbyist or employer has failed to file a registration 2813
statement, the joint committee shall send written notification by 2814
certified mail to the person who filed the registration statement 2815
regarding the deficiency in the statement or to the person who 2816
failed to file the registration statement regarding the failure. 2817
Any person so notified by the joint committee shall, not later 2818
than fifteen days after receiving the notice, file a registration 2819
statement or an amended registration statement that contains all 2820
of the required information. If any person who receives a notice 2821
under this division fails to file a registration statement or such 2822
an amended registration statement within this fifteen-day period, 2823
the joint committee shall ~~notify the attorney general, who may~~ 2824
~~take appropriate action as authorized by section 121.69 of the~~ 2825
Revised Code assess a late filing fee equal to twelve dollars and 2826
fifty cents per day, up to a maximum fee of one hundred dollars, 2827

upon that person. The joint committee may waive the late filing 2828
fee for good cause shown. 2829

~~If the joint committee notifies the attorney general pursuant~~ 2830
~~to this division, the joint committee shall also notify each~~ 2831
~~elected executive official and the director of each department~~ 2832
~~created under section 121.02 of the Revised Code of the pending~~ 2833
~~investigation.~~ 2834

(H) On or before the fifteenth day of March of each year, the 2835
joint committee shall, in the manner and form that it determines, 2836
publish a report containing statistical information on the 2837
registration statements filed with it under this section during 2838
the preceding year. 2839

(I) If an employer who engages an executive agency lobbyist 2840
is the recipient of a contract, grant, lease, or other financial 2841
arrangement pursuant to which funds of the state or of an 2842
executive agency are distributed or allocated, the executive 2843
agency or any aggrieved party may consider the failure of the 2844
employer or the executive agency lobbyist to comply with this 2845
section as a breach of a material condition of the contract, 2846
grant, lease, or other financial arrangement. 2847

(J) Executive agency officials may require certification from 2848
any person seeking the award of a contract, grant, lease, or 2849
financial arrangement that the person and his the person's 2850
employer are in compliance with this section. 2851

Sec. 122.011. (A) The department of development shall develop 2852
and promote plans and programs designed to assure that state 2853
resources are efficiently used, economic growth is properly 2854
balanced, community growth is developed in an orderly manner, and 2855
local governments are coordinated with each other and the state, 2856
and for such purposes may do all of the following: 2857

(1) Serve as a clearinghouse for information, data, and other materials that may be helpful or necessary to persons or local governments, as provided in section 122.07 of the Revised Code;	2858 2859 2860
(2) Prepare and activate plans for the retention, development, expansion, and use of the resources and commerce of the state, as provided in section 122.04 of the Revised Code;	2861 2862 2863
(3) Assist and cooperate with federal, state, and local governments and agencies of federal, state, and local governments in the coordination of programs to carry out the functions and duties of the department;	2864 2865 2866 2867
(4) Encourage and foster research and development activities, conduct studies related to the solution of community problems, and develop recommendations for administrative or legislative actions, as provided in section 122.03 of the Revised Code;	2868 2869 2870 2871
(5) Serve as the economic and community development planning agency, which shall prepare and recommend plans and programs for the orderly growth and development of this state and which shall provide planning assistance, as provided in section 122.06 of the Revised Code;	2872 2873 2874 2875 2876
(6) Cooperate with and provide technical assistance to state departments, political subdivisions, regional and local planning commissions, tourist associations, councils of government, community development groups, community action agencies, and other appropriate organizations for carrying out the functions and duties of the department or for the solution of community problems;	2877 2878 2879 2880 2881 2882 2883
(7) Coordinate the activities of state agencies that have an impact on carrying out the functions and duties of the department;	2884 2885
(8) Encourage and assist the efforts of and cooperate with local governments to develop mutual and cooperative solutions to	2886 2887

their common problems that relate to carrying out the purposes of 2888
this section; 2889

(9) Study existing structure, operations, and financing of 2890
regional or local government and those state activities that 2891
involve significant relations with regional or local governmental 2892
units, recommend to the governor and to the general assembly such 2893
changes in these provisions and activities as will improve the 2894
operations of regional or local government, and conduct other 2895
studies of legal provisions that affect problems related to 2896
carrying out the purposes of this section; 2897

(10) Appoint, with the approval of the governor, technical 2898
and other advisory councils as it considers appropriate, as 2899
provided in section 122.09 of the Revised Code; 2900

(11) Create and operate a division of community development 2901
to develop and administer programs and activities that are 2902
authorized by federal statute or the Revised Code; 2903

(12) Until ~~July 1, 2003~~ October 15, 2005, establish fees and 2904
charges, in consultation with the director of agriculture, for 2905
purchasing loans from financial institutions and providing loan 2906
guarantees under the family farm loan program created under 2907
sections 901.80 to 901.83 of the Revised Code; 2908

(13) Provide loan servicing for the loans purchased and loan 2909
guarantees provided under section 901.80 of the Revised Code as 2910
that section existed prior to ~~July 1, 2003~~ October 15, 2005; 2911

(14) Until ~~July 1, 2003~~ October 15, 2005, and upon approval 2912
by the controlling board under division (A)(3) of section 901.82 2913
of the Revised Code of the release of money to be used for 2914
purchasing a loan or providing a loan guarantee, request the 2915
release of that money in accordance with division (B) of section 2916
166.03 of the Revised Code for use for the purposes of the fund 2917
created by section 166.031 of the Revised Code. 2918

(B) The director of development may request the attorney 2919
general to, and the attorney general, in accordance with section 2920
109.02 of the Revised Code, shall bring a civil action in any 2921
court of competent jurisdiction. The director may be sued in the 2922
director's official capacity, in connection with this chapter, in 2923
accordance with Chapter 2743. of the Revised Code. 2924

Sec. 122.04. The department of development shall do the 2925
following: 2926

(A) Maintain a continuing evaluation of the sources available 2927
for the retention, development, or expansion of industrial and 2928
commercial facilities in this state through both public and 2929
private agencies; 2930

(B) Assist public and private agencies in obtaining 2931
information necessary to evaluate the desirability of the 2932
retention, construction, or expansion of industrial and commercial 2933
facilities in the state; 2934

(C) Facilitate contracts between community improvement 2935
corporations organized under Chapter 1724. of the Revised Code or 2936
Ohio development corporations organized under Chapter 1726. of the 2937
Revised Code and industrial and commercial concerns seeking to 2938
locate or expand in ~~Ohio~~ the state; 2939

(D) Upon request, consult with public agencies or authorities 2940
in the preparation of studies of human and economic needs or 2941
advantages relating to economic and community development; 2942

(E) Encourage, promote, and assist trade and commerce between 2943
this state and foreign nations; 2944

(F) Promote and encourage persons to visit and travel within 2945
this state; 2946

(G) Maintain membership in the national association of state 2947
development agencies; 2948

(H) Assist in the development of facilities and technologies 2949
that will lead to increased, environmentally sound use of Ohio 2950
coal; 2951

(I) Promote economic growth in the state. 2952

Sec. 122.041. The director of development shall do all of the 2953
following with regard to the encouraging diversity, growth, and 2954
equity program created under section 123.152 of the Revised Code: 2955
2956

(A) Conduct outreach, marketing, and recruitment of EDGE 2957
business enterprises, as defined in that section; 2958

(B) Provide assistance to the department of administrative 2959
services, as needed, to certify new EDGE business enterprises and 2960
to train appropriate state agency staff; 2961

(C) Provide business development services to EDGE business 2962
enterprises in the developmental and transitional stages of the 2963
program, including financial and bonding assistance and management 2964
and technical assistance; 2965

(D) Develop a mentor program to bring businesses into a 2966
working relationship with EDGE business enterprises in a way that 2967
commercially benefits both entities and serves the purpose of the 2968
EDGE program; 2969

(E) Not later than December 31, 2003, prepare and submit to 2970
the governor a detailed report outlining and evaluating the 2971
progress made in implementing the encouraging diversity, growth, 2972
and equity program; 2973

(F) Establish processes by which an EDGE business enterprise 2974
may apply for contract assistance, financial and bonding 2975
assistance, management and technical assistance, and mentoring 2976
opportunities. 2977

Sec. 122.08. (A) There is hereby created within the 2978
department of development an office to be known as the office of 2979
small business. The office shall be under the supervision of a 2980
manager appointed by the director of development. 2981

(B) The office shall do all of the following: 2982

(1) Act as liaison between the small business community and 2983
state governmental agencies; 2984

(2) Furnish information and technical assistance to persons 2985
and small businesses concerning the establishment and maintenance 2986
of a small business, and concerning state laws and rules relevant 2987
to the operation of a small business. In conjunction with these 2988
duties, the office shall keep a record of all state agency rules 2989
affecting individuals, small businesses, or small organizations, 2990
as defined in section 121.24 of the Revised Code, and may testify 2991
before the joint committee on agency rule review concerning any 2992
proposed rule affecting individuals, small businesses, or small 2993
organizations. 2994

(3) Prepare and publish the small business register under 2995
section 122.081 of the Revised Code; 2996

(4) Receive complaints from small businesses concerning 2997
governmental activity, compile and analyze those complaints, and 2998
periodically make recommendations to the governor and the general 2999
assembly on changes in state laws or agency rules needed to 3000
eliminate burdensome and unproductive governmental regulation to 3001
improve the economic climate within which small businesses 3002
operate; 3003

(5) Receive complaints or questions from small businesses and 3004
direct ~~such~~ those businesses to the appropriate governmental 3005
agency. If, within a reasonable period of time, a complaint is not 3006
satisfactorily resolved or a question is not satisfactorily 3007

answered, the office shall, on behalf of the small business, make 3008
every effort to secure a satisfactory result. For this purpose, 3009
the office may consult with any state governmental agency and may 3010
make any suggestion or request that seems appropriate. 3011

(6) Utilize, to the maximum extent possible, the printed and 3012
electronic media to disseminate information of current concern and 3013
interest to the small business community and to make known to 3014
small businesses the services available through the office. The 3015
office shall publish such books, pamphlets, and other printed 3016
materials, and shall participate in such trade association 3017
meetings, conventions, fairs, and other meetings involving the 3018
small business community, as the manager considers appropriate. 3019

(7) Prepare for inclusion in the department of development's 3020
annual report to the governor and general assembly, a description 3021
of the activities of the office and a report of the number of 3022
rules affecting individuals, small businesses, and small 3023
organizations that were filed with the office under division 3024
(B)(2) of section 121.24 of the Revised Code, during the preceding 3025
calendar year; 3026

(8) Operate the Ohio ~~one stop business permit center~~ 3027
first-stop business connection to assist individuals in 3028
identifying and preparing applications for business licenses, 3029
permits, and certificates and to serve as the central public 3030
distributor for all forms, applications, and other information 3031
related to business licensing. Each state agency, board, and 3032
commission shall cooperate in providing assistance, information, 3033
and materials to enable the ~~center~~ connection to perform its 3034
duties under this division ~~(B)(8) of this section.~~ 3035

(C) The office ~~of small business~~ may, upon the request of a 3036
state agency, assist the agency with the preparation of any rule 3037
that will affect individuals, small businesses, or small 3038
organizations. 3039

(D) The director of development shall assign ~~such~~ employees 3040
and furnish ~~such~~ equipment and supplies to the office as the 3041
director considers necessary for the proper performance of the 3042
duties assigned to the office. 3043

Sec. 122.17. (A) As used in this section: 3044

(1) "Full-time employee" means an individual who is employed 3045
for consideration for at least thirty-five hours a week, or who 3046
renders any other standard of service generally accepted by custom 3047
or specified by contract as full-time employment. 3048

(2) "New employee" means one of the following: 3049

(a) A full-time employee first employed by a taxpayer in the 3050
project that is the subject of the agreement after the taxpayer 3051
enters into a tax credit agreement with the tax credit authority 3052
under this section; 3053

(b) A full-time employee first employed by a taxpayer in the 3054
project that is the subject of the tax credit after the tax credit 3055
authority approves a project for a tax credit under this section 3056
in a public meeting, as long as the taxpayer enters into the tax 3057
credit agreement prepared by the department of development after 3058
such meeting within sixty days after receiving the agreement from 3059
the department. If the taxpayer fails to enter into the agreement 3060
within sixty days, "new employee" has the same meaning as under 3061
division (A)(2)(a) of this section. 3062

Under division (A)(2)(a) or (b) of this section, if the tax 3063
credit authority determines it appropriate, "new employee" also 3064
may include an employee re-hired or called back from lay-off to 3065
work in a new facility or on a new product or service established 3066
or produced by the taxpayer after entering into the agreement 3067
under this section or after the tax credit authority approves the 3068
tax credit in a public meeting. "New employee" does not include 3069

any employee of the taxpayer who was previously employed in this 3070
state by a related member of the taxpayer and whose employment was 3071
shifted to the taxpayer after the taxpayer entered into the tax 3072
credit agreement or after the tax credit authority approved the 3073
credit in a public meeting, or any employee of the taxpayer for 3074
which the taxpayer has been granted a certificate under division 3075
(B) of section 5709.66 of the Revised Code. "New employee" also 3076
does not include an employee of the taxpayer who is employed in an 3077
employment position that was relocated to a project from other 3078
operations of the taxpayer in this state or from operations of a 3079
related member of the taxpayer in this state. In addition, "new 3080
employee" does not include a child, grandchild, parent, or spouse, 3081
other than a spouse who is legally separated from the individual, 3082
of any individual who is an employee of the taxpayer and who has a 3083
direct or indirect ownership interest of at least five per cent in 3084
the profits, capital, or value of the taxpayer. Such ownership 3085
interest shall be determined in accordance with section 1563 of 3086
the Internal Revenue Code and regulations prescribed thereunder. 3087

(3) "New income tax revenue" means the total amount withheld 3088
under section 5747.06 of the Revised Code by the taxpayer during 3089
the taxable year from the compensation of new employees for the 3090
tax levied under Chapter 5747. of the Revised Code. 3091

(4) "Related member" has the same meaning as under division 3092
(A)(6) of section 5733.042 of the Revised Code without regard to 3093
division (B) of that section. 3094

(B) The tax credit authority may make grants under this 3095
section to foster job creation in this state. Such a grant shall 3096
take the form of a refundable credit allowed against the tax 3097
imposed by section 5733.06 or 5747.02 of the Revised Code. The 3098
credit shall be claimed for the taxable years specified in the 3099
taxpayer's agreement with the tax credit authority under division 3100
(D) of this section. The credit shall be claimed after the 3101

allowance of all other credits provided by Chapter 5733. or 5747. 3102
of the Revised Code. The amount of the credit equals the new 3103
income tax revenue for the taxable year multiplied by the 3104
percentage specified in the agreement with the tax credit 3105
authority. 3106

(C) A taxpayer or potential taxpayer who proposes a project 3107
to create new jobs in this state may apply to the tax credit 3108
authority to enter into an agreement for a tax credit under this 3109
section. The director of development shall prescribe the form of 3110
the application. After receipt of an application, the authority 3111
may enter into an agreement with the taxpayer for a credit under 3112
this section if it determines all of the following: 3113

(1) The taxpayer's project will create new jobs in this 3114
state; 3115

(2) The taxpayer's project is economically sound and will 3116
benefit the people of this state by increasing opportunities for 3117
employment and strengthening the economy of this state; 3118

(3) Receiving the tax credit is a major factor in the 3119
taxpayer's decision to go forward with the project. 3120

(D) An agreement under this section shall include all of the 3121
following: 3122

(1) A detailed description of the project that is the subject 3123
of the agreement; 3124

(2) The term of the tax credit, which shall not exceed ~~ten~~ 3125
fifteen years, and the first taxable year for which the credit may 3126
be claimed; 3127

(3) A requirement that the taxpayer shall maintain operations 3128
at the project location for at least twice the number of years as 3129
the term of the tax credit; 3130

(4) The percentage, as determined by the tax credit 3131

authority, of new income tax revenue that will be allowed as the 3132
amount of the credit for each taxable year; 3133

(5) A specific method for determining how many new employees 3134
are employed during a taxable year; 3135

(6) A requirement that the taxpayer annually shall report to 3136
the director of development the number of new employees, the new 3137
income tax revenue withheld in connection with the new employees, 3138
and any other information the director needs to perform ~~his~~ the 3139
director's duties under this section; 3140

(7) A requirement that the director of development annually 3141
shall verify the amounts reported under division (D)(6) of this 3142
section, and after doing so shall issue a certificate to the 3143
taxpayer stating that the amounts have been verified; 3144

(8)(a) A provision requiring that the taxpayer, except as 3145
otherwise provided in division (D)(8)(b) of this section, shall 3146
not relocate employment positions from elsewhere in this state to 3147
the project site that is the subject of the agreement for the 3148
lesser of five years from the date the agreement is entered into 3149
or the number of years the taxpayer is entitled to claim the tax 3150
credit. 3151

(b) The taxpayer may relocate employment positions from 3152
elsewhere in this state to the project site that is the subject of 3153
the agreement if the director of development determines both of 3154
the following: 3155

(i) That the site from which the employment positions would 3156
be relocated is inadequate to meet market and industry conditions, 3157
expansion plans, consolidation plans, or other business 3158
considerations affecting the taxpayer; 3159

(ii) That the legislative authority of the county, township, 3160
or municipal corporation from which the employment positions would 3161
be relocated has been notified of the relocation. 3162

For purposes of this section, the movement of an employment position from one political subdivision to another political subdivision shall be considered a relocation of an employment position, but the transfer of an individual employee from one political subdivision to another political subdivision shall not be considered a relocation of an employment position as long as the individual's employment position in the first political subdivision is refilled.

(E) If a taxpayer fails to meet or comply with any condition or requirement set forth in a tax credit agreement, the tax credit authority may amend the agreement to reduce the percentage or term of the tax credit. The reduction of the percentage or term shall take effect in the taxable year immediately following the taxable year in which the authority amends the agreement. If the taxpayer relocates employment positions in violation of the provision required under division (D)(8)(a) of this section, the taxpayer shall not claim the tax credit under section 5733.0610 of the Revised Code for any tax years following the calendar year in which the relocation occurs, or shall not claim the tax credit under section 5747.058 of the Revised Code for the taxable year in which the relocation occurs and any subsequent taxable years.

(F) Projects that consist solely of point-of-final-purchase retail facilities are not eligible for a tax credit under this section. If a project consists of both point-of-final-purchase retail facilities and nonretail facilities, only the portion of the project consisting of the nonretail facilities is eligible for a tax credit and only the new income tax revenue from new employees of the nonretail facilities shall be considered when computing the amount of the tax credit. If a warehouse facility is part of a point-of-final-purchase retail facility and supplies only that facility, the warehouse facility is not eligible for a tax credit. Catalog distribution centers are not considered

point-of-final-purchase retail facilities for the purposes of this 3195
division, and are eligible for tax credits under this section. 3196

(G) Financial statements and other information submitted to 3197
the department of development or the tax credit authority by an 3198
applicant or recipient of a tax credit under this section, and any 3199
information taken for any purpose from such statements or 3200
information, are not public records subject to section 149.43 of 3201
the Revised Code. However, the chairperson of the authority may 3202
make use of the statements and other information for purposes of 3203
issuing public reports or in connection with court proceedings 3204
concerning tax credit agreements under this section. Upon the 3205
request of the tax commissioner, the chairperson of the authority 3206
shall provide to the commissioner any statement or information 3207
submitted by an applicant or recipient of a tax credit in 3208
connection with the credit. The commissioner shall preserve the 3209
confidentiality of the statement or information. 3210

(H) A taxpayer claiming a credit under this section shall 3211
submit to the tax commissioner a copy of the director of 3212
development's certificate of verification under division (D)(7) of 3213
this section for the taxable year. However, failure to submit a 3214
copy of the certificate does not invalidate a claim for a credit. 3215

(I) The director of development, after consultation with the 3216
tax commissioner and in accordance with Chapter 119. of the 3217
Revised Code, shall adopt rules necessary to implement this 3218
section. The rules may provide for recipients of tax credits under 3219
this section to be charged fees to cover administrative costs of 3220
the tax credit program. At the time the director gives public 3221
notice under division (A) of section 119.03 of the Revised Code of 3222
the adoption of the rules, the director shall submit copies of the 3223
proposed rules to the chairpersons of the standing committees on 3224
economic development in the senate and the house of 3225
representatives. 3226

(J) For the purposes of this section, a taxpayer may include 3227
a partnership, a corporation that has made an election under 3228
subchapter S of chapter one of subtitle A of the Internal Revenue 3229
Code, or any other business entity through which income flows as a 3230
distributive share to its owners. A credit received under this 3231
section by a partnership, S-corporation, or other such business 3232
entity shall be apportioned among the persons to whom the income 3233
or profit of the partnership, S-corporation, or other entity is 3234
distributed, in the same proportions as those in which the income 3235
or profit is distributed. 3236

(K) If the director of development determines that a taxpayer 3237
who has received a credit under this section is not complying with 3238
the requirement under division (D)(3) of this section, the 3239
director shall notify the tax credit authority of the 3240
noncompliance. After receiving such a notice, and after giving the 3241
taxpayer an opportunity to explain the noncompliance, the tax 3242
credit authority may require the taxpayer to refund to this state 3243
a portion of the credit in accordance with the following: 3244

(1) If the taxpayer maintained operations at the project 3245
location for at least one and one-half times the number of years 3246
of the term of the tax credit, an amount not exceeding twenty-five 3247
per cent of the sum of any previously allowed credits under this 3248
section; 3249

(2) If the taxpayer maintained operations at the project 3250
location for at least the number of years of the term of the tax 3251
credit, an amount not exceeding fifty per cent of the sum of any 3252
previously allowed credits under this section; 3253

(3) If the taxpayer maintained operations at the project 3254
location for less than the number of years of the term of the tax 3255
credit, an amount not exceeding one hundred per cent of the sum of 3256
any previously allowed credits under this section. 3257

In determining the portion of the tax credit to be refunded 3258
to this state, the tax credit authority shall consider the effect 3259
of market conditions on the taxpayer's project and whether the 3260
taxpayer continues to maintain other operations in this state. 3261
After making the determination, the authority shall certify the 3262
amount to be refunded to the tax commissioner. The commissioner 3263
shall make an assessment for that amount against the taxpayer 3264
under Chapter 5733. or 5747. of the Revised Code. The time 3265
limitations on assessments under Chapter 5733. or 5747. of the 3266
Revised Code do not apply to an assessment under this division, 3267
but the commissioner shall make the assessment within one year 3268
after the date the authority certifies to the commissioner the 3269
amount to be refunded. 3270

(L) On or before the thirty-first day of March each year, the 3271
director of development shall submit a report to the governor, the 3272
president of the senate, and the speaker of the house of 3273
representatives on the tax credit program under this section. The 3274
report shall include information on the number of agreements that 3275
were entered into under this section during the preceding calendar 3276
year, a description of the project that is the subject of each 3277
such agreement, and an update on the status of projects under 3278
agreements entered into before the preceding calendar year. 3279

During the fifth year of the tax credit program, the director 3280
of development in conjunction with the director of budget and 3281
management shall conduct an evaluation of it. The evaluation shall 3282
include assessments of the effectiveness of the program in 3283
creating new jobs in this state and of the revenue impact of the 3284
program, and may include a review of the practices and experiences 3285
of other states with similar programs. The director of development 3286
shall submit a report on the evaluation to the governor, the 3287
president of the senate, and the speaker of the house of 3288
representatives on or before January 1, 1998. 3289

(M) There is hereby created the tax credit authority, which 3290
consists of the director of development and four other members 3291
appointed as follows: the governor, the president of the senate, 3292
and the speaker of the house of representatives each shall appoint 3293
one member who shall be a specialist in economic development; the 3294
governor also shall appoint a member who is a specialist in 3295
taxation. Of the initial appointees, the members appointed by the 3296
governor shall serve a term of two years; the members appointed by 3297
the president of the senate and the speaker of the house of 3298
representatives shall serve a term of four years. Thereafter, 3299
terms of office shall be for four years. Initial appointments to 3300
the authority shall be made within thirty days after January 13, 3301
1993. Each member shall serve on the authority until the end of 3302
the term for which the member was appointed. Vacancies shall be 3303
filled in the same manner provided for original appointments. Any 3304
member appointed to fill a vacancy occurring prior to the 3305
expiration of the term for which the member's predecessor was 3306
appointed shall hold office for the remainder of that term. 3307
Members may be reappointed to the authority. Members of the 3308
authority shall receive their necessary and actual expenses while 3309
engaged in the business of the authority. The director of 3310
development shall serve as chairperson of the authority, and the 3311
members annually shall elect a vice-chairperson from among 3312
themselves. Three members of the authority constitute a quorum to 3313
transact and vote on the business of the authority. The majority 3314
vote of the membership of the authority is necessary to approve 3315
any such business, including the election of the vice-chairperson. 3316

The director of development may appoint a professional 3317
employee of the department of development to serve as the 3318
director's substitute at a meeting of the authority. The director 3319
shall make the appointment in writing. In the absence of the 3320
director from a meeting of the authority, the appointed substitute 3321

shall serve as chairperson. In the absence of both the director 3322
and the director's substitute from a meeting, the vice-chairperson 3323
shall serve as chairperson. 3324

Sec. 122.171. (A) As used in this section: 3325

(1) "Capital investment project" means a plan of investment 3326
at a project site for the acquisition, construction, renovation, 3327
or repair of buildings, machinery, or equipment, or for 3328
capitalized costs of basic research and new product development 3329
determined in accordance with generally accepted accounting 3330
principles, but does not include any of the following: 3331

(a) Payments made for the acquisition of personal property 3332
through operating leases; 3333

(b) Project costs paid before January 1, 2002, or after 3334
December 31, 2006; 3335

(c) Payments made to a related member as defined in section 3336
5733.042 of the Revised Code. 3337

(2) "Eligible business" means a business with Ohio operations 3338
satisfying all of the following: 3339

(a) Employed an average of at least one thousand employees in 3340
full-time employment positions at a project site during each of 3341
the twelve months preceding the application for a tax credit under 3342
this section; and 3343

(b) On or after January 1, 2002, has made payments for the 3344
capital investment project of either of the following: 3345

(i) At least two hundred million dollars in the aggregate at 3346
the project site during a period of three consecutive calendar 3347
years including the calendar year that includes a day of the 3348
taxpayer's taxable year with respect to which the credit is 3349
granted; 3350

(ii) If the average wage of all full-time employment positions at the project site is greater than four hundred per cent of the federal minimum wage, at least one hundred million dollars in the aggregate at the project site during a period of three consecutive calendar years including the calendar year that includes a day of the taxpayer's taxable year with respect to which the credit is granted.

(c) Is engaged at the project site primarily as a manufacturer or is providing significant corporate administrative functions;

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

(3) "Full-time employment position" means a position of employment for consideration for at least thirty-five hours a week that has been filled for at least one hundred eighty days immediately preceding the filing of an application under this section and for at least one hundred eighty days during each taxable year with respect to which the credit is granted.

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

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

(6) "Applicable corporation" means a corporation satisfying all of the following:

(a)(i) For the entire taxable year immediately preceding the tax year, the corporation develops software applications primarily to provide telecommunication billing and information services

through outsourcing or licensing to domestic or international 3381
customers. 3382

(ii) Sales and licensing of software generated at least six 3383
hundred million dollars in revenue during the taxable year 3384
immediately preceding the tax year the corporation is first 3385
entitled to claim the credit provided under division (B) of this 3386
section. 3387

(b) For the entire taxable year immediately preceding the tax 3388
year, the corporation or one or more of its related members 3389
provides customer or employee care and technical support for 3390
clients through one or more contact centers within this state, and 3391
the corporation and its related members together have a daily 3392
average, based on a three hundred sixty-five day year, of at least 3393
five hundred thousand successful customer contacts through one or 3394
more of their contact centers, wherever located. 3395

(c) The corporation is eligible for the credit under division 3396
(B) of this section for the tax year. 3397

(7) "Related member" has the same meaning as in section 3398
5733.042 of the Revised Code as that section existed on the 3399
effective date of its amendment by Am. Sub. H.B. 215 of the 122nd 3400
general assembly. 3401

(8) "Successful customer contact" means a contact with an end 3402
user via telephone, including interactive voice recognition or 3403
similar means, where the contact culminates in a conversation or 3404
connection other than a busy signal or equipment busy. 3405

(9) "Telecommunications" means all forms of 3406
telecommunications service as defined in section 5739.01 of the 3407
Revised Code, and includes services in wireless, wireline, cable, 3408
broadband, internet protocol, and satellite. 3409

(10)(a) "Applicable difference" means the difference between 3410
the tax for the tax year under Chapter 5733. of the Revised Code 3411

applying the law in effect for that tax year, and the tax for that 3412
tax year if section 5733.042 of the Revised Code applied as that 3413
section existed on the effective date of its amendment by Am. Sub. 3414
H.B. 215 of the 122nd general assembly, subject to division 3415
(A)(10)(b) of this section. 3416

(b) If the tax rate set forth in division (B) of section 3417
5733.06 of the Revised Code for the tax year is less than eight 3418
and one-half per cent, the tax calculated under division 3419
(A)(10)(a) of this section shall be computed by substituting a tax 3420
rate of eight and one-half per cent for the rate set forth in 3421
division (B) of section 5733.06 of the Revised Code for the tax 3422
year. 3423

(c) If the resulting difference is negative, the applicable 3424
tax difference for the tax year shall be zero. 3425

(B) The tax credit authority created under section 122.17 of 3426
the Revised Code may grant tax credits under this section for the 3427
purpose of fostering job retention in this state. Upon application 3428
by an eligible business and upon consideration of the 3429
recommendation of the director of budget and management, tax 3430
commissioner, and director of development under division (C) of 3431
this section, the tax credit authority may grant to an eligible 3432
business a nonrefundable credit against the tax imposed by section 3433
5733.06 or 5747.02 of the Revised Code for a period up to ~~ten~~ 3434
fifteen taxable years. The credit shall be in an amount not 3435
exceeding seventy-five per cent of the Ohio income tax withheld 3436
from the employees of the eligible business occupying full-time 3437
employment positions at the project site during the calendar year 3438
that includes the last day of such business' taxable year with 3439
respect to which the credit is granted. The amount of the credit 3440
shall not be based on the Ohio income tax withheld from full-time 3441
employees for a calendar year prior to the calendar year in which 3442
the minimum investment requirement referred to in division 3443

(A)(2)(b) of this section is completed. The credit shall be 3444
claimed only for the taxable years specified in the eligible 3445
business' agreement with the tax credit authority under division 3446
(E) of this section, but in no event shall the credit be claimed 3447
for a taxable year terminating before the date specified in the 3448
agreement. 3449

The credit computed under this division is in addition to any 3450
credit allowed under division (M) of this section. 3451

Any unused portion of a tax credit may be carried forward for 3452
not more than three additional years after the year for which the 3453
credit is granted. 3454

(C) A taxpayer that proposes a capital investment project to 3455
retain jobs in this state may apply to the tax credit authority to 3456
enter into an agreement for a tax credit under this section. The 3457
director of development shall prescribe the form of the 3458
application. After receipt of an application, the authority shall 3459
forward copies of the application to the director of budget and 3460
management, the tax commissioner, and the director of development, 3461
each of whom shall review the application to determine the 3462
economic impact the proposed project would have on the state and 3463
the affected political subdivisions and shall submit a summary of 3464
their determinations and recommendations to the authority. The 3465
authority shall make no agreements under this section after June 3466
30, 2007. 3467

(D) Upon review of the determinations and recommendations 3468
described in division (C) of this section, the tax credit 3469
authority may enter into an agreement with the taxpayer for a 3470
credit under this section if the authority determines all of the 3471
following: 3472

(1) The taxpayer's capital investment project will result in 3473
the retention of full-time employment positions in this state. 3474

(2) The taxpayer is economically sound and has the ability to complete the proposed capital investment project.	3475 3476
(3) The taxpayer intends to and has the ability to maintain operations at the project site for at least twice the term of the credit.	3477 3478 3479
(4) Receiving the credit is a major factor in the taxpayer's decision to begin, continue with, or complete the project.	3480 3481
(5) The political subdivisions in which the project is located have agreed to provide substantial financial support to the project.	3482 3483 3484
(E) An agreement under this section shall include all of the following:	3485 3486
(1) A detailed description of the project that is the subject of the agreement, including the amount of the investment, the period over which the investment has been or is being made, and the number of full-time employment positions at the project site.	3487 3488 3489 3490
(2) The method of calculating the number of full-time employment positions as specified in division (A)(3) of this section.	3491 3492 3493
(3) The term and percentage of the tax credit, and the first year for which the credit may be claimed.	3494 3495
(4) A requirement that the taxpayer maintain operations at the project site for at least twice the number of years as the term of the credit.	3496 3497 3498
(5) A requirement that the taxpayer retain a specified number of full-time employment positions at the project site and within this state for the term of the credit, including a requirement that the taxpayer continue to employ at least one thousand employees in full-time employment positions at the project site during the entire term of any agreement, subject to division	3499 3500 3501 3502 3503 3504

(E)(7) of this section. 3505

(6) A requirement that the taxpayer annually report to the 3506
director of development the number of full-time employment 3507
positions subject to the credit, the amount of tax withheld from 3508
employees in those positions, the amount of the payments made for 3509
the capital investment project, and any other information the 3510
director needs to perform the director's duties under this 3511
section. 3512

(7) A requirement that the director of development annually 3513
review the annual reports of the taxpayer to verify the 3514
information reported under division (E)(6) of this section and 3515
compliance with the agreement. Upon verification, the director 3516
shall issue a certificate to the taxpayer stating that the 3517
information has been verified and identifying the amount of the 3518
credit for the taxable year. The Unless otherwise specified by the 3519
tax credit authority in a resolution and included as part of the 3520
agreement, the director shall not issue a certificate for any year 3521
in which the total number of filled full-time employment positions 3522
for each day of the calendar year divided by three hundred 3523
sixty-five is less than ninety per cent of the full-time 3524
employment positions specified in division (E)(5) of this section. 3525
In determining the number of full-time employment positions, no 3526
position shall be counted that is filled by an employee who is 3527
included in the calculation of a tax credit under section 122.17 3528
of the Revised Code. 3529

(8)(a) A provision requiring that the taxpayer, except as 3530
otherwise provided in division (E)(8)(b) of this section, shall 3531
not relocate employment positions from elsewhere in this state to 3532
the project site that is the subject of the agreement for the 3533
lesser of five years from the date the agreement is entered into 3534
or the number of years the taxpayer is entitled to claim the 3535
credit. 3536

(b) The taxpayer may relocate employment positions from 3537
elsewhere in this state to the project site that is the subject of 3538
the agreement if the director of development determines both of 3539
the following: 3540

(i) That the site from which the employment positions would 3541
be relocated is inadequate to meet market and industry conditions, 3542
expansion plans, consolidation plans, or other business 3543
considerations affecting the taxpayer; 3544

(ii) That the legislative authority of the county, township, 3545
or municipal corporation from which the employment positions would 3546
be relocated has been notified of the relocation. 3547

For purposes of this section, the movement of an employment 3548
position from one political subdivision to another political 3549
subdivision shall be considered a relocation of an employment 3550
position unless the movement is confined to the project site. The 3551
transfer of an individual employee from one political subdivision 3552
to another political subdivision shall not be considered a 3553
relocation of an employment position as long as the individual's 3554
employment position in the first political subdivision is 3555
refilled. 3556

(9) A waiver by the taxpayer of any limitations periods 3557
relating to assessments or adjustments resulting from the 3558
taxpayer's failure to comply with the agreement. 3559

(F) If a taxpayer fails to meet or comply with any condition 3560
or requirement set forth in a tax credit agreement, the tax credit 3561
authority may amend the agreement to reduce the percentage or term 3562
of the credit. The reduction of the percentage or term shall take 3563
effect in the taxable year immediately following the taxable year 3564
in which the authority amends the agreement. If the taxpayer 3565
relocates employment positions in violation of the provision 3566
required under division (D)(8)(a) of this section, the taxpayer 3567

shall not claim the tax credit under section 5733.0610 of the 3568
Revised Code for any tax years following the calendar year in 3569
which the relocation occurs, or shall not claim the tax credit 3570
under section 5747.058 of the Revised Code for the taxable year in 3571
which the relocation occurs and any subsequent taxable years. 3572

(G) Financial statements and other information submitted to 3573
the department of development or the tax credit authority by an 3574
applicant for or recipient of a tax credit under this section, and 3575
any information taken for any purpose from such statements or 3576
information, are not public records subject to section 149.43 of 3577
the Revised Code. However, the chairperson of the authority may 3578
make use of the statements and other information for purposes of 3579
issuing public reports or in connection with court proceedings 3580
concerning tax credit agreements under this section. Upon the 3581
request of the tax commissioner, the chairperson of the authority 3582
shall provide to the commissioner any statement or other 3583
information submitted by an applicant for or recipient of a tax 3584
credit in connection with the credit. The commissioner shall 3585
preserve the confidentiality of the statement or other 3586
information. 3587

(H) A taxpayer claiming a tax credit under this section shall 3588
submit to the tax commissioner a copy of the director of 3589
development's certificate of verification under division (E)(7) of 3590
this section for the taxable year. However, failure to submit a 3591
copy of the certificate does not invalidate a claim for a credit. 3592

(I) For the purposes of this section, a taxpayer may include 3593
a partnership, a corporation that has made an election under 3594
subchapter S of chapter one of subtitle A of the Internal Revenue 3595
Code, or any other business entity through which income flows as a 3596
distributive share to its owners. A tax credit received under this 3597
section by a partnership, S-corporation, or other such business 3598
entity shall be apportioned among the persons to whom the income 3599

or profit of the partnership, S-corporation, or other entity is 3600
distributed, in the same proportions as those in which the income 3601
or profit is distributed. 3602

(J) If the director of development determines that a taxpayer 3603
that received a tax credit under this section is not complying 3604
with the requirement under division (E)(4) of this section, the 3605
director shall notify the tax credit authority of the 3606
noncompliance. After receiving such a notice, and after giving the 3607
taxpayer an opportunity to explain the noncompliance, the 3608
authority may terminate the agreement and require the taxpayer to 3609
refund to the state all or a portion of the credit claimed in 3610
previous years, as follows: 3611

(1) If the taxpayer maintained operations at the project site 3612
for less than the term of the credit, the amount required to be 3613
refunded shall not exceed the amount of any tax credits previously 3614
allowed and received under this section. 3615

(2) If the taxpayer maintained operations at the project site 3616
longer than the term of the credit but less than one and one-half 3617
times the term of the credit, the amount required to be refunded 3618
shall not exceed fifty per cent of the sum of any tax credits 3619
previously allowed and received under this section. 3620

(3) If the taxpayer maintained operations at the project site 3621
for at least one and one-half times the term of the credit but 3622
less than twice the term of the credit, the amount required to be 3623
refunded shall not exceed twenty-five per cent of the sum of any 3624
tax credits previously allowed and received under this section. 3625

In determining the portion of the credit to be refunded to 3626
this state, the authority shall consider the effect of market 3627
conditions on the taxpayer's project and whether the taxpayer 3628
continues to maintain other operations in this state. After making 3629
the determination, the authority shall certify the amount to be 3630

refunded to the tax commissioner. The commissioner shall make an 3631
assessment for that amount against the taxpayer under Chapter 3632
5733. or 5747. of the Revised Code. The time limitations on 3633
assessments under Chapter 5733. or 5747. of the Revised Code do 3634
not apply to an assessment under this division, but the 3635
commissioner shall make the assessment within one year after the 3636
date the authority certifies to the commissioner the amount to be 3637
refunded. 3638

If the director of development determines that a taxpayer 3639
that received a tax credit under this section has reduced the 3640
number of employees agreed to under division (E)(5) of this 3641
section by more than ten per cent, the director shall notify the 3642
tax credit authority of the noncompliance. After receiving such 3643
notice, and after providing the taxpayer an opportunity to explain 3644
the noncompliance, the authority may amend the agreement to reduce 3645
the percentage or term of the tax credit. The reduction in the 3646
percentage or term shall take effect in the taxable year in which 3647
the authority amends the agreement. 3648

(K) The director of development, after consultation with the 3649
tax commissioner and in accordance with Chapter 119. of the 3650
Revised Code, shall adopt rules necessary to implement this 3651
section. The rules may provide for recipients of tax credits under 3652
this section to be charged fees to cover administrative costs of 3653
the tax credit program. At the time the director gives public 3654
notice under division (A) of section 119.03 of the Revised Code of 3655
the adoption of the rules, the director shall submit copies of the 3656
proposed rules to the chairpersons of the standing committees on 3657
economic development in the senate and the house of 3658
representatives. 3659

(L) On or before the thirty-first day of March of each year, 3660
the director of development shall submit a report to the governor, 3661
the president of the senate, and the speaker of the house of 3662

representatives on the tax credit program under this section. The 3663
report shall include information on the number of agreements that 3664
were entered into under this section during the preceding calendar 3665
year, a description of the project that is the subject of each 3666
such agreement, and an update on the status of projects under 3667
agreements entered into before the preceding calendar year. 3668

(M)(1) A nonrefundable credit shall be allowed to an 3669
applicable corporation and its related members in an amount equal 3670
to the applicable difference. The credit is in addition to the 3671
credit granted to the corporation or related members under 3672
division (B) of this section. The credit is subject to divisions 3673
(B) to (E) and division (J) of this section. 3674

(2) A person qualifying as an applicable corporation under 3675
this section for a tax year does not necessarily qualify as an 3676
applicable corporation for any other tax year. No person is 3677
entitled to the credit allowed under division (M) of this section 3678
for the tax year immediately following the taxable year during 3679
which the person fails to meet the requirements in divisions 3680
(A)(6)(a)(i) and (A)(6)(b) of this section. No person is entitled 3681
to the credit allowed under division (M) of this section for any 3682
tax year for which the person is not eligible for the credit 3683
provided under division (B) of this section. 3684

Sec. 122.25. (A) In administering the program established 3685
under section 122.24 of the Revised Code, the director of 3686
development shall do all of the following: 3687

(1) Annually designate, by the first day of January of each 3688
year, the entities that constitute the eligible areas in this 3689
state as defined in section 122.23 of the Revised Code; 3690

(2) Inform local governments and others in the state of the 3691
availability of the program and financial assistance established 3692
under sections 122.23 to 122.27 of the Revised Code; 3693

(3) Report to the governor, president of the senate, speaker of the house of representatives, and minority leaders of the senate and the house of representatives by the thirtieth day of June of each year on the activities carried out under the program during the preceding calendar year. The report shall include the number of loans made that year and the amount and recipient of each loan.	3694 3695 3696 3697 3698 3699 3700
(4) Work in conjunction with conventional lending institutions, local revolving loan funds, private investors, and other private and public financing sources to provide loans or loan guarantees to eligible applicants;	3701 3702 3703 3704
(5) Establish fees, charges, interest rates, payment schedules, local match requirements, and other terms and conditions for loans and loan guarantees provided under the loan program created by section 122.24 of the Revised Code;	3705 3706 3707 3708
(6) Require each applicant to demonstrate the suitability of any site for the assistance sought; that the site has been surveyed, has adequate or available utilities, and that there are no zoning restrictions, environmental regulations, or other matters impairing the use of the site for the purpose intended;	3709 3710 3711 3712 3713
(7) Require each applicant to provide a marketing plan and management strategy for the project;	3714 3715
(8) Adopt rules in accordance with Chapter 119. of the Revised Code establishing all of the following:	3716 3717
(a) Forms and procedures by which eligible applicants may apply for assistance;	3718 3719
(b) Criteria for reviewing, evaluating, and ranking applications, and for approving applications that best serve the goals of the program;	3720 3721 3722
(c) Reporting requirements and monitoring procedures;	3723

(d) Guidelines regarding situations in which industrial parks 3724
would be considered to compete against one another for the 3725
purposes of division (B)(2) of section 122.27 of the Revised Code; 3726

(e) Any other rules necessary to implement and administer the 3727
program created by section 122.24 of the Revised Code. 3728

(B) The director may adopt rules in accordance with Chapter 3729
119. of the Revised Code establishing requirements governing the 3730
use of any industrial park site receiving assistance under section 3731
122.24 of the Revised Code, such that a certain portion of the 3732
site must be used for manufacturing, distribution, high 3733
technology, research and development, or other businesses wherein 3734
a majority of the product or service produced is exported out of 3735
the state. 3736

(C) As a condition to receiving assistance under section 3737
122.24 of the Revised Code, and except as provided in division (D) 3738
of this section, an applicant must agree, for a period of five 3739
years, not to permit the use of a site that is developed or 3740
improved with such assistance to cause the relocation of jobs to 3741
that site from elsewhere in Ohio. 3742

(D) A site developed or improved with assistance under 3743
section 122.24 of the Revised Code may be the site of jobs 3744
relocated from elsewhere in Ohio if the director of development 3745
does all of the following: 3746

(1) Makes a written determination that the site from which 3747
the jobs would be relocated is inadequate to meet market or 3748
industry conditions, expansion plans, consolidation plans, or 3749
other business considerations affecting the relocating employer; 3750

(2) Provides a copy of the determination required by division 3751
(D)(1) of this section to the members of the general assembly 3752
whose legislative districts include the site from which the jobs 3753
would be relocated, ~~and to the joint legislative committee on tax~~ 3754

incentives; 3755

(3) Determines that the governing body of the area from which 3756
the jobs would be relocated has been notified in writing by the 3757
relocating company of the possible relocation. 3758

(E) The director of development must obtain the approval of 3759
the controlling board for any loan or loan guarantee provided 3760
under sections 122.23 to 122.27 of the Revised Code. 3761

Sec. 122.651. (A) There is hereby created the clean Ohio 3762
council consisting of the director of development or the 3763
director's designee, the director of environmental protection or 3764
the director's designee, the lieutenant governor or the lieutenant 3765
governor's designee, the director of the Ohio public works 3766
commission as a nonvoting, ex officio member, one member of the 3767
majority party of the senate and one member of the minority party 3768
of the senate to be appointed by the president of the senate, one 3769
member of the majority party of the house of representatives and 3770
one member of the minority party of the house of representatives 3771
to be appointed by the speaker of the house of representatives, 3772
and seven members to be appointed by the governor with the advice 3773
and consent of the senate. Of the members appointed by the 3774
governor, one shall represent the interests of counties, one shall 3775
represent the interests of townships, one shall represent the 3776
interests of municipal corporations, two shall represent the 3777
interests of business and development, and two shall represent 3778
statewide environmental advocacy organizations. The members 3779
appointed by the governor shall reflect the demographic and 3780
economic diversity of the population of the state. Additionally, 3781
the governor's appointments shall represent all areas of the 3782
state. All appointments to the council shall be made not later 3783
than one hundred twenty days after July 26, 2001. 3784

(B) The members appointed by the president of the senate and 3785

speaker of the house of representatives shall serve at the 3786
pleasure of their appointing authorities. Of the initial members 3787
appointed by the governor to the clean Ohio council, four shall be 3788
appointed for two years and three shall be appointed for one year. 3789
Thereafter, terms of office for members appointed by the governor 3790
shall be for two years, with each term ending on the same day of 3791
the same month as did the term that it succeeds. Each of those 3792
members shall hold office from the date of appointment until the 3793
end of the term for which the member is appointed. 3794

Members may be reappointed. Vacancies shall be filled in the 3795
same manner as provided for original appointments. Any member 3796
appointed to fill a vacancy occurring prior to the expiration date 3797
of the term for which the member was appointed shall hold office 3798
for the remainder of that term. A member shall continue in office 3799
after the expiration date of the member's term until the member's 3800
successor takes office or until a period of sixty days has 3801
elapsed, whichever occurs first. The governor may remove a member 3802
appointed by the governor for misfeasance, nonfeasance, or 3803
malfeasance in office. 3804

(C) ~~The director of development~~ governor shall appoint a 3805
member of the clean Ohio council to serve as the chairperson of 3806
the clean Ohio council. The director of development shall serve as 3807
the vice-chairperson of the council unless appointed chairperson. 3808
If the director is appointed chairperson, the council annually 3809
shall select from among its members a vice-chairperson to serve 3810
while the director is chairperson. The council annually shall 3811
select from among its members ~~a vice-chairperson and~~ a secretary 3812
to keep a record of its proceedings. A majority vote of a quorum 3813
of the members of the council is necessary to take action on any 3814
matter. The council may adopt bylaws governing its operation, 3815
including bylaws that establish the frequency of meetings, 3816
procedures for reviewing eligible projects under sections 122.65 3817

to 122.658 of the Revised Code and policies and requirements 3818
established under section 122.657 of the Revised Code, and other 3819
necessary procedures. 3820

(D) Members of the clean Ohio council shall be deemed to be 3821
public officials or officers only for the purposes of section 9.86 3822
and Chapters 102. and 2921. of the Revised Code. Serving as a 3823
member of the clean Ohio council does not constitute holding a 3824
public office or position of employment so as to constitute 3825
grounds for removal of public officers or employees serving as 3826
members of the council from their offices or positions of 3827
employment. Members of the council shall file with the Ohio ethics 3828
commission the disclosure statement described in division (A) of 3829
section 102.02 of the Revised Code on the form prescribed by the 3830
commission and be subject to divisions (C) and (D) of that 3831
section. Members of the council shall serve without compensation 3832
for attending council meetings, but shall receive their actual and 3833
necessary traveling and other expenses incurred in the performance 3834
of their official duties in accordance with the rules of the 3835
office of budget and management. 3836

(E) Members appointed by the governor to represent the 3837
interests of counties, townships, and municipal corporations do 3838
not have a conflict of interest by virtue of their service in the 3839
position. For the purposes of this division, "conflict of 3840
interest" means the taking of any action as a member of the 3841
council that affects a public agency the person serves as an 3842
officer or employee. 3843

(F) The department of development shall provide office space 3844
for the council. The council shall be assisted in its duties by 3845
the staff of the department of development and the environmental 3846
protection agency. 3847

(G) Sections 101.82 to 101.87 of the Revised Code do not 3848
apply to the clean Ohio council. 3849

Sec. 122.658. (A) The clean Ohio revitalization fund is 3850
hereby created in the state treasury. The fund shall consist of 3851
moneys credited to it pursuant to section 151.40 of the Revised 3852
Code. Moneys in the fund shall be used to make grants or loans for 3853
projects that have been approved by the clean Ohio council in 3854
accordance with section 122.653 of the Revised Code, except that 3855
the council annually shall devote twenty per cent of the net 3856
proceeds of obligations deposited in the clean Ohio revitalization 3857
fund for the purposes of section 122.656 of the Revised Code. 3858

Moneys in the clean Ohio revitalization fund may be used to 3859
pay reasonable costs incurred by the department of development and 3860
the environmental protection agency in administering sections 3861
122.65 to 122.658 of the Revised Code. All investment earnings of 3862
the fund shall be credited to the fund. ~~For two years after July~~ 3863
~~26, 2001, investment~~ Investment earnings credited to the clean 3864
Ohio revitalization fund may be used to pay costs incurred by the 3865
department of development and the environmental protection agency 3866
pursuant to sections 122.65 to 122.658 of the Revised Code. 3867

The department of development shall administer the clean Ohio 3868
revitalization fund in accordance with this section, policies and 3869
requirements established under section 122.657 of the Revised 3870
Code, and the terms of agreements entered into by the council 3871
under section 122.653 of the Revised Code. 3872

(B) Grants awarded and loans made under section 122.653 of 3873
the Revised Code shall provide not more than seventy-five per cent 3874
of the estimated total cost of a project. A grant or loan to any 3875
one project shall not exceed three million dollars. An applicant 3876
shall provide at least twenty-five per cent of the estimated total 3877
cost of a project. The applicant's share may consist of one or a 3878
combination of any of the following: 3879

(1) Payment of the cost of acquiring the property for the 3880

purposes of sections 122.65 to 122.658 of the Revised Code;	3881
(2) Payment of the reasonable cost of an assessment at the property;	3882 3883
(3) The reasonable value, as determined by the council, of labor and materials that will be contributed by the applicant in performing the cleanup or remediation;	3884 3885 3886
(4) Moneys received by the applicant in any form for use in performing the cleanup or remediation;	3887 3888
(5) Loans secured by the applicant for the purpose of the cleanup or remediation of the brownfield.	3889 3890
Costs that were incurred more than two years prior to the submission of an application to the clean Ohio council for the acquisition of property, assessments, and labor and materials shall not be used as part of the applicant's matching share.	3891 3892 3893 3894
(C) The department of development shall not make any payment to an applicant from the clean Ohio revitalization fund to pay costs of the applicant that were not included in an application for a grant or loan under section 122.653 of the Revised Code or that exceed the amount of the estimated total cost of the project included in the application. If, upon completion of a project, the costs of the project are less than the amounts included in the application, the amounts included in the application less the amounts of the actual costs of the project shall be credited to the clean Ohio revitalization fund. However, the amounts credited shall be equivalent in percentage to the percentage of the costs of the project that were to be funded by the grant or loan from the fund.	3895 3896 3897 3898 3899 3900 3901 3902 3903 3904 3905 3906 3907
(D) Grants awarded or loans made under section 122.653 of the Revised Code from the clean Ohio revitalization fund shall be used by an applicant only to pay the costs of the actual cleanup or remediation of a brownfield and shall not be used by an applicant	3908 3909 3910 3911

to pay any administrative costs incurred by the applicant. Costs 3912
related to the use of a certified professional for purposes of 3913
section 122.654 of the Revised Code are not administrative costs 3914
and may be paid with moneys from grants awarded or loans made 3915
under section 122.653 of the Revised Code. 3916

(E) The portion of net proceeds of obligations devoted under 3917
division (A) of this section for the purposes of section 122.656 3918
of the Revised Code shall be used to make grants for assessments, 3919
cleanup or remediation of brownfields, and public health projects 3920
that have been approved by the director of development under that 3921
section. The department of development shall administer section 3922
122.656 of the Revised Code in accordance with this section, 3923
policies and requirements established under section 122.657 of the 3924
Revised Code, and the terms of agreements entered into by the 3925
director under section 122.656 of the Revised Code. The director 3926
shall not grant more than twenty-five million dollars for public 3927
health projects under section 122.656 of the Revised Code. 3928

(F) Grants awarded under section 122.656 of the Revised Code 3929
shall be used by an applicant only to pay the costs of actually 3930
conducting an assessment, a cleanup or remediation of a 3931
brownfield, or a public health project and shall not be used by an 3932
applicant to pay any administrative costs incurred by the 3933
applicant. Costs related to the use of a certified professional 3934
for purposes of section 122.654 of the Revised Code are not 3935
administrative costs and may be paid with moneys from grants 3936
awarded under section 122.656 of the Revised Code. 3937

(G)(1) The clean Ohio revitalization revolving loan fund is 3938
hereby created in the state treasury. Payments of principal and 3939
interest on loans made from the clean Ohio revitalization fund 3940
shall be credited to this revolving loan fund, as shall payments 3941
of principal and interest on loans made from the revolving loan 3942
fund itself. The revolving loan fund's investment earnings shall 3943

be credited to it. 3944

(2) The clean Ohio revitalization revolving loan fund shall 3945
be used to make loans for the same purposes and subject to the 3946
same policies, requirements, criteria, and application procedures 3947
as loans made from the clean Ohio revitalization fund. 3948

Sec. 122.87. As used in sections 122.87 to ~~122.89~~ 122.90 of 3949
the Revised Code: 3950

(A) "Surety company" means a company that is authorized by 3951
the department of insurance to issue bonds as surety. 3952

(B) "Minority business" means any of the following 3953
occupations: 3954

(1) Minority construction contractor; 3955

(2) Minority seller; 3956

(3) Minority service vendor. 3957

(C) "Minority construction contractor" means a person who is 3958
both a construction contractor and an owner of a minority business 3959
enterprise certified under division (B) of section 123.151 of the 3960
Revised Code. 3961

(D) "Minority seller" means a person who is both a seller of 3962
goods and an owner of a minority business enterprise listed on the 3963
special minority business enterprise bid notification list under 3964
division (B) of section 125.08 of the Revised Code. 3965

(E) "Minority service vendor" means a person who is both a 3966
vendor of services and an owner of a minority business enterprise 3967
listed on the special minority business enterprise bid 3968
notification list under division (B) of section 125.08 of the 3969
Revised Code. 3970

(F) "Minority business enterprise" has the meaning given in 3971
section 122.71 of the Revised Code. 3972

(G) "EDGE business enterprise" means a sole proprietorship, 3973
association, partnership, corporation, limited liability 3974
corporation, or joint venture certified as a participant in the 3975
encouraging diversity, growth, and equity program by the director 3976
of administrative services under section 123.152 of the Revised 3977
Code. 3978

Sec. 122.88. (A) There is hereby created in the state 3979
treasury the minority business bonding fund, consisting of moneys 3980
deposited or credited to it pursuant to section 169.05 of the 3981
Revised Code; all grants, gifts, and contributions received 3982
pursuant to division (B)(9) of section 122.74 of the Revised Code; 3983
all moneys recovered following defaults; and any other moneys 3984
obtained by the director of development for the purposes of 3985
sections 122.87 to ~~122.89~~ 122.90 of the Revised Code. The fund 3986
shall be administered by the director. Moneys in the fund shall be 3987
held in trust for the purposes of sections 122.87 to ~~122.89~~ 122.90 3988
of the Revised Code. 3989

(B) Any claims against the state arising from defaults shall 3990
be payable from the minority business bonding program 3991
administrative and loss reserve fund as provided in division (C) 3992
of this section or from the minority business bonding fund. 3993
Nothing in sections 122.87 to ~~122.89~~ 122.90 of the Revised Code 3994
grants or pledges to any obligee or other person any state moneys 3995
other than the moneys in the minority business bonding program 3996
administrative and loss reserve fund or the minority business 3997
bonding fund, or moneys available to the minority business bonding 3998
fund upon request of the director in accordance with division (B) 3999
of section 169.05 of the Revised Code. 4000

(C) There is hereby created in the state treasury the 4001
minority business bonding program administrative and loss reserve 4002
fund, consisting of all premiums charged and collected in 4003

accordance with section 122.89 of the Revised Code and any 4004
interest income earned from the moneys in the minority business 4005
bonding fund. All expenses of the director and the minority 4006
development financing advisory board in carrying out the purposes 4007
of sections 122.87 to ~~122.89~~ 122.90 of the Revised Code shall be 4008
paid from the minority business bonding program administrative and 4009
loss reserve fund. 4010

Any moneys to the credit of the minority business bonding 4011
program administrative and loss reserve fund in excess of the 4012
amount necessary to fund the appropriation authority for the 4013
minority business bonding program administrative and loss reserve 4014
fund shall be held as a loss reserve to pay claims arising from 4015
defaults on surety bonds underwritten in accordance with section 4016
122.89 of the Revised Code or guaranteed in accordance with 4017
section 122.90 of the Revised Code. If the balance of funds in the 4018
minority business bonding program administrative and loss reserve 4019
fund is insufficient to pay a claim against the state arising from 4020
default, then such claim shall be payable from the minority 4021
business bonding fund. 4022

Sec. 122.90. (A) The director of development may guarantee 4023
bonds executed by sureties for minority businesses and EDGE 4024
business enterprises certified under section 123.152 of the 4025
Revised Code as principals on contracts with the state, any 4026
political subdivision or instrumentality, or any person as the 4027
obligee. The director, as guarantor, may exercise all the rights 4028
and powers of a company authorized by the department of insurance 4029
to guarantee bonds under Chapter 3929. of the Revised Code but 4030
otherwise is not subject to any laws related to a guaranty company 4031
under Title XXXIX of the Revised Code nor to any rules of the 4032
department of insurance. 4033

(B) The director shall adopt rules under Chapter 119. of the 4034

Revised Code to establish procedures for the application for bond 4035
guarantees and the review and approval of applications for bond 4036
guarantees submitted by sureties that execute bonds eligible for 4037
guarantees under division (A) of this section. 4038

(C) In accordance with rules adopted pursuant to this 4039
section, the director may guarantee up to ninety per cent of the 4040
loss incurred and paid by sureties on bonds guaranteed under 4041
division (A) of this section. 4042

(D) The penal sum amounts of all outstanding guarantees made 4043
by the director under this section shall not exceed three times 4044
the difference between the amount of moneys in the minority 4045
business bonding fund and available to the fund under division (B) 4046
of section 169.05 of the Revised Code and the amount of all 4047
outstanding bonds issued by the director in accordance with 4048
division (A) of section 122.89 of the Revised Code. 4049

Sec. 123.01. (A) The department of administrative services, 4050
in addition to those powers enumerated in Chapters 124. and 125. 4051
of the Revised Code, and as provided elsewhere by law, shall 4052
exercise the following powers: 4053

(1) To prepare, or contract to be prepared, by licensed 4054
engineers or architects, surveys, general and detailed plans, 4055
specifications, bills of materials, and estimates of cost for any 4056
projects, improvements, or public buildings to be constructed by 4057
state agencies that may be authorized by legislative 4058
appropriations or any other funds made available therefor, 4059
provided that the construction of the projects, improvements, or 4060
public buildings is a statutory duty of the department. This 4061
section does not require the independent employment of an 4062
architect or engineer as provided by section 153.01 of the Revised 4063
Code in the cases to which that section applies nor affect or 4064
alter the existing powers of the director of transportation. 4065

(2) To have general supervision over the construction of any 4066
projects, improvements, or public buildings constructed for a 4067
state agency and over the inspection of materials previous to 4068
their incorporation into those projects, improvements, or 4069
buildings; 4070

(3) To make contracts for and supervise the construction of 4071
any projects and improvements or the construction and repair of 4072
buildings under the control of a state agency, except contracts 4073
for the repair of buildings under the management and control of 4074
the departments of public safety, job and family services, mental 4075
health, mental retardation and developmental disabilities, 4076
rehabilitation and correction, and youth services, the bureau of 4077
workers' compensation, the rehabilitation services commission, and 4078
boards of trustees of educational and benevolent institutions. 4079
These contracts shall be made and entered into by the directors of 4080
public safety, job and family services, mental health, mental 4081
retardation and developmental disabilities, rehabilitation and 4082
correction, and youth services, the administrator of workers' 4083
compensation, the rehabilitation services commission, and the 4084
boards of trustees of such institutions, respectively. All such 4085
contracts may be in whole or in part on unit price basis of 4086
maximum estimated cost, with payment computed and made upon actual 4087
quantities or units. 4088

(4) To prepare and suggest comprehensive plans for the 4089
development of grounds and buildings under the control of a state 4090
agency; 4091

(5) To acquire, by purchase, gift, devise, lease, or grant, 4092
all real estate required by a state agency, in the exercise of 4093
which power the department may exercise the power of eminent 4094
domain, in the manner provided by sections 163.01 to 163.22 of the 4095
Revised Code; 4096

(6) To make and provide all plans, specifications, and models 4097
for the construction and perfection of all systems of sewerage, 4098
drainage, and plumbing for the state in connection with buildings 4099
and grounds under the control of a state agency; 4100

(7) To erect, supervise, and maintain all public monuments 4101
and memorials erected by the state, except where the supervision 4102
and maintenance is otherwise provided by law; 4103

(8) To procure, by lease, storage accommodations for a state 4104
agency; 4105

(9) To lease or grant easements or licenses for unproductive 4106
and unused lands or other property under the control of a state 4107
agency. Such leases, easements, or licenses shall be granted for a 4108
period not to exceed fifteen years and shall be executed for the 4109
state by the director of administrative services and the governor 4110
and shall be approved as to form by the attorney general, provided 4111
that leases, easements, or licenses may be granted to any county, 4112
township, municipal corporation, port authority, water or sewer 4113
district, school district, library district, health district, park 4114
district, soil and water conservation district, conservancy 4115
district, or other political subdivision or taxing district, or 4116
any agency of the United States government, for the exclusive use 4117
of that agency, political subdivision, or taxing district, without 4118
any right of sublease or assignment, for a period not to exceed 4119
fifteen years, and provided that the director shall grant leases, 4120
easements, or licenses of university land for periods not to 4121
exceed twenty-five years for purposes approved by the respective 4122
university's board of trustees wherein the uses are compatible 4123
with the uses and needs of the university and may grant leases of 4124
university land for periods not to exceed forty years for purposes 4125
approved by the respective university's board of trustees pursuant 4126
to section 123.77 of the Revised Code. 4127

(10) To lease office space in buildings for the use of a state agency;	4128 4129
(11) To have general supervision and care of the storerooms, offices, and buildings leased for the use of a state agency;	4130 4131
(12) To exercise general custodial care of all real property of the state;	4132 4133
(13) To assign and group together state offices in any city in the state and to establish, in cooperation with the state agencies involved, rules governing space requirements for office or storage use;	4134 4135 4136 4137
(14) To lease for a period not to exceed forty years, pursuant to a contract providing for the construction thereof under a lease-purchase plan, buildings, structures, and other improvements for any public purpose, and, in conjunction therewith, to grant leases, easements, or licenses for lands under the control of a state agency for a period not to exceed forty years. The lease-purchase plan shall provide that at the end of the lease period, the buildings, structures, and related improvements, together with the land on which they are situated, shall become the property of the state without cost.	4138 4139 4140 4141 4142 4143 4144 4145 4146 4147
(a) Whenever any building, structure, or other improvement is to be so leased by a state agency, the department shall retain either basic plans, specifications, bills of materials, and estimates of cost with sufficient detail to afford bidders all needed information or, alternatively, all of the following plans, details, bills of materials, and specifications:	4148 4149 4150 4151 4152 4153
(i) Full and accurate plans suitable for the use of mechanics and other builders in the improvement;	4154 4155
(ii) Details to scale and full sized, so drawn and represented as to be easily understood;	4156 4157

(iii) Accurate bills showing the exact quantity of different kinds of material necessary to the construction;

(iv) Definite and complete specifications of the work to be performed, together with such directions as will enable a competent mechanic or other builder to carry them out and afford bidders all needed information;

(v) A full and accurate estimate of each item of expense and of the aggregate cost thereof.

(b) The department shall give public notice, in such newspaper, in such form, and with such phraseology as the director of administrative services prescribes, published once each week for four consecutive weeks, of the time when and place where bids will be received for entering into an agreement to lease to a state agency a building, structure, or other improvement. The last publication shall be at least eight days preceding the day for opening the bids. The bids shall contain the terms upon which the builder would propose to lease the building, structure, or other improvement to the state agency. The form of the bid approved by the department shall be used, and a bid is invalid and shall not be considered unless that form is used without change, alteration, or addition. Before submitting bids pursuant to this section, any builder shall comply with Chapter 153. of the Revised Code.

(c) On the day and at the place named for receiving bids for entering into lease agreements with a state agency, the director of administrative services shall open the bids and shall publicly proceed immediately to tabulate the bids upon duplicate sheets. No lease agreement shall be entered into until the bureau of workers' compensation has certified that the person to be awarded the lease agreement has complied with Chapter 4123. of the Revised Code, until, if the builder submitting the lowest and best bid is a foreign corporation, the secretary of state has certified that the

corporation is authorized to do business in this state, until, if 4189
the builder submitting the lowest and best bid is a person 4190
nonresident of this state, the person has filed with the secretary 4191
of state a power of attorney designating the secretary of state as 4192
its agent for the purpose of accepting service of summons in any 4193
action brought under Chapter 4123. of the Revised Code, and until 4194
the agreement is submitted to the attorney general and the 4195
attorney general's approval is certified thereon. Within thirty 4196
days after the day on which the bids are received, the department 4197
shall investigate the bids received and shall determine that the 4198
bureau and the secretary of state have made the certifications 4199
required by this section of the builder who has submitted the 4200
lowest and best bid. Within ten days of the completion of the 4201
investigation of the bids, the department shall award the lease 4202
agreement to the builder who has submitted the lowest and best bid 4203
and who has been certified by the bureau and secretary of state as 4204
required by this section. If bidding for the lease agreement has 4205
been conducted upon the basis of basic plans, specifications, 4206
bills of materials, and estimates of costs, upon the award to the 4207
builder the department, or the builder with the approval of the 4208
department, shall appoint an architect or engineer licensed in 4209
this state to prepare such further detailed plans, specifications, 4210
and bills of materials as are required to construct the building, 4211
structure, or improvement. The department shall adopt such rules 4212
as are necessary to give effect to this section. The department 4213
may reject any bid. Where there is reason to believe there is 4214
collusion or combination among bidders, the bids of those 4215
concerned therein shall be rejected. 4216

(15) To acquire by purchase, gift, devise, or grant and to 4217
transfer, lease, or otherwise dispose of all real property 4218
required to assist in the development of a conversion facility as 4219
defined in section 5709.30 of the Revised Code as that section 4220
existed before its repeal by H.B. 95 of the 125th general 4221

assembly; 4222

(16) To lease for a period not to exceed forty years, 4223
notwithstanding any other division of this section, the 4224
state-owned property located at 408-450 East Town Street, 4225
Columbus, Ohio, formerly the state school for the deaf, to a 4226
developer in accordance with this section. "Developer," as used in 4227
this section, has the same meaning as in section 123.77 of the 4228
Revised Code. 4229

Such a lease shall be for the purpose of development of the 4230
land for use by senior citizens by constructing, altering, 4231
renovating, repairing, expanding, and improving the site as it 4232
existed on June 25, 1982. A developer desiring to lease the land 4233
shall prepare for submission to the department a plan for 4234
development. Plans shall include provisions for roads, sewers, 4235
water lines, waste disposal, water supply, and similar matters to 4236
meet the requirements of state and local laws. The plans shall 4237
also include provision for protection of the property by insurance 4238
or otherwise, and plans for financing the development, and shall 4239
set forth details of the developer's financial responsibility. 4240

The department may employ, as employees or consultants, 4241
persons needed to assist in reviewing the development plans. Those 4242
persons may include attorneys, financial experts, engineers, and 4243
other necessary experts. The department shall review the 4244
development plans and may enter into a lease if it finds all of 4245
the following: 4246

(a) The best interests of the state will be promoted by 4247
entering into a lease with the developer; 4248

(b) The development plans are satisfactory; 4249

(c) The developer has established the developer's financial 4250
responsibility and satisfactory plans for financing the 4251
development. 4252

The lease shall contain a provision that construction or 4253
renovation of the buildings, roads, structures, and other 4254
necessary facilities shall begin within one year after the date of 4255
the lease and shall proceed according to a schedule agreed to 4256
between the department and the developer or the lease will be 4257
terminated. The lease shall contain such conditions and 4258
stipulations as the director considers necessary to preserve the 4259
best interest of the state. Moneys received by the state pursuant 4260
to this lease shall be paid into the general revenue fund. The 4261
lease shall provide that at the end of the lease period the 4262
buildings, structures, and related improvements shall become the 4263
property of the state without cost. 4264

(17) To lease to any person any tract of land owned by the 4265
state and under the control of the department, or any part of such 4266
a tract, for the purpose of drilling for or the pooling of oil or 4267
gas. Such a lease shall be granted for a period not exceeding 4268
forty years, with the full power to contract for, determine the 4269
conditions governing, and specify the amount the state shall 4270
receive for the purposes specified in the lease, and shall be 4271
prepared as in other cases. 4272

(18) Biennially implement, by state agency location, a census 4273
of agency employees assigned space; 4274

(19) Require each state agency to categorize periodically the 4275
use of space allotted to the agency between office space, common 4276
areas, storage space, and other uses and report its findings to 4277
the department; 4278

(20) Create and update periodically a master space 4279
utilization plan for all space allotted to state agencies. The 4280
plan shall incorporate space utilization metrics. 4281

(21) Conduct periodically a cost-benefit analysis to 4282
determine the effectiveness of state-owned buildings; 4283

<u>(22) Assess periodically the alternatives associated with</u>	4284
<u>consolidating the commercial leases for buildings located in</u>	4285
<u>Columbus;</u>	4286
<u>(23) Commission a comprehensive space utilization and</u>	4287
<u>capacity study in order to determine the feasibility of</u>	4288
<u>consolidating existing commercially leased space used by state</u>	4289
<u>agencies into a new state-owned facility.</u>	4290
(B) This section and section 125.02 of the Revised Code shall	4291
not interfere with any of the following:	4292
(1) The power of the adjutant general to purchase military	4293
supplies, or with the custody of the adjutant general of property	4294
leased, purchased, or constructed by the state and used for	4295
military purposes, or with the functions of the adjutant general	4296
as director of state armories;	4297
(2) The power of the director of transportation in acquiring	4298
rights-of-way for the state highway system, or the leasing of	4299
lands for division or resident district offices, or the leasing of	4300
lands or buildings required in the maintenance operations of the	4301
department of transportation, or the purchase of real property for	4302
garage sites or division or resident district offices, or in	4303
preparing plans and specifications for and constructing such	4304
buildings as the director may require in the administration of the	4305
department;	4306
(3) The power of the director of public safety and the	4307
registrar of motor vehicles to purchase or lease real property and	4308
buildings to be used solely as locations to which a deputy	4309
registrar is assigned pursuant to division (B) of section 4507.011	4310
of the Revised Code and from which the deputy registrar is to	4311
conduct the deputy registrar's business, the power of the director	4312
of public safety to purchase or lease real property and buildings	4313
to be used as locations for division or district offices as	4314

required in the maintenance of operations of the department of 4315
public safety, and the power of the superintendent of the state 4316
highway patrol in the purchase or leasing of real property and 4317
buildings needed by the patrol, to negotiate the sale of real 4318
property owned by the patrol, to rent or lease real property owned 4319
or leased by the patrol, and to make or cause to be made repairs 4320
to all property owned or under the control of the patrol; 4321

(4) The power of the division of liquor control in the 4322
leasing or purchasing of retail outlets and warehouse facilities 4323
for the use of the division; 4324

(5) The power of the director of development to enter into 4325
leases of real property, buildings, and office space to be used 4326
solely as locations for the state's foreign offices to carry out 4327
the purposes of section 122.05 of the Revised Code. 4328

(C) Purchases for, and the custody and repair of, buildings 4329
under the management and control of the capitol square review and 4330
advisory board, the rehabilitation services commission, the bureau 4331
of workers' compensation, or the departments of public safety, job 4332
and family services, mental health, mental retardation and 4333
developmental disabilities, and rehabilitation and correction, and 4334
buildings of educational and benevolent institutions under the 4335
management and control of boards of trustees, are not subject to 4336
the control and jurisdiction of the department of administrative 4337
services. 4338

(D) Any instrument by which real property is acquired 4339
pursuant to this section shall identify the agency of the state 4340
that has the use and benefit of the real property as specified in 4341
section 5301.012 of the Revised Code. 4342

Sec. 123.152. (A) As used in this section, "EDGE business 4343
enterprise" means a sole proprietorship, association, partnership, 4344
corporation, limited liability corporation, or joint venture 4345

certified as a participant in the encouraging diversity, growth, 4346
and equity program by the director of administrative services 4347
under this section of the Revised Code. 4348

(B) The director of administrative services shall establish a 4349
business assistance program known as the encouraging diversity, 4350
growth, and equity program and shall adopt rules in accordance 4351
with Chapter 119. of the Revised Code to administer the program 4352
and that do all of the following: 4353

(1) Establish procedures by which a sole proprietorship, 4354
association, partnership, corporation, limited liability 4355
corporation, or joint venture may apply for certification as an 4356
EDGE business enterprise; 4357

(2) Establish agency procurement goals for contracting with 4358
EDGE business enterprises in the award of contracts under Chapters 4359
123., 125., and 153. of the Revised Code based on the availability 4360
of eligible program participants by region or geographic area, as 4361
determined by the director, and by standard industrial code. 4362

(a) Goals established under division (B)(2) of this section 4363
shall be based on a percentage level of participation and a 4364
percentage of contractor availability. 4365

(b) Goals established under division (B)(2) of this section 4366
shall be applied at the contract level, relative to an overall 4367
dollar goal for each state agency, in accordance with the 4368
following certification categories: construction, architecture, 4369
and engineering; professional services; goods and services; and 4370
information technology services. 4371

(3) Establish a system of certifying EDGE business 4372
enterprises based on a requirement that the business owner or 4373
owners show both social and economic disadvantage based on the 4374
following, as determined to be sufficient by the director: 4375

(a) Relative wealth of the business seeking certification as 4376

<u>well as the personal wealth of the owner or owners of the</u>	4377
<u>business;</u>	4378
<u>(b) Social disadvantage based on any of the following:</u>	4379
<u>(i) A rebuttable presumption when the business owner or</u>	4380
<u>owners demonstrate membership in a racial minority group or show</u>	4381
<u>personal disadvantage due to color, ethnic origin, gender,</u>	4382
<u>physical disability, long-term residence in an environment</u>	4383
<u>isolated from the mainstream of American society, location in an</u>	4384
<u>area of high unemployment;</u>	4385
<u>(ii) Some other demonstration of personal disadvantage not</u>	4386
<u>common to other small businesses;</u>	4387
<u>(iii) By business location in a qualified census tract.</u>	4388
<u>(c) Economic disadvantage based on economic and business size</u>	4389
<u>thresholds and eligibility criteria designed to stimulate economic</u>	4390
<u>development through contract awards to businesses located in</u>	4391
<u>qualified census tracts.</u>	4392
<u>(4) Establish standards to determine when an EDGE business</u>	4393
<u>enterprise no longer qualifies for EDGE business enterprise</u>	4394
<u>certification;</u>	4395
<u>(5) Develop a process for evaluating and adjusting goals</u>	4396
<u>established by this section to determine what adjustments are</u>	4397
<u>necessary to achieve participation goals established by the</u>	4398
<u>director;</u>	4399
<u>(6) Establish a point system to evaluate bid proposals to</u>	4400
<u>encourage EDGE business enterprises to participate in the</u>	4401
<u>procurement of professional design and information technology</u>	4402
<u>services;</u>	4403
<u>(7) Establish a system to track data and analyze each</u>	4404
<u>certification category established under division (B)(2)(b) of</u>	4405
<u>this section;</u>	4406

<u>(8) Establish a process to mediate complaints and to review</u>	4407
<u>EDGE business enterprise certification appeals;</u>	4408
<u>(9) Implement an outreach program to educate potential</u>	4409
<u>participants about the encouraging diversity, growth, and equity</u>	4410
<u>program;</u>	4411
<u>(10) Establish a system to assist state agencies in</u>	4412
<u>identifying and utilizing EDGE business enterprises in their</u>	4413
<u>contracting processes;</u>	4414
<u>(11) Implement a system of self-reporting by EDGE business</u>	4415
<u>enterprises as well as an on-site inspection process to validate</u>	4416
<u>the qualifications of an EDGE business enterprise;</u>	4417
<u>(12) Establish a waiver mechanism to waive program goals or</u>	4418
<u>participation requirements for those companies that, despite their</u>	4419
<u>best-documented efforts, are unable to contract with certified</u>	4420
<u>EDGE business enterprises;</u>	4421
<u>(13) Establish a process for monitoring overall program</u>	4422
<u>compliance in which equal employment opportunity officers</u>	4423
<u>primarily are responsible for monitoring their respective</u>	4424
<u>agencies.</u>	4425
<u>(C) Not later than December 31, 2003, the director of</u>	4426
<u>administrative services shall prepare a detailed report to the</u>	4427
<u>governor outlining and evaluating the progress made in</u>	4428
<u>implementing the encouraging diversity, growth, and equity</u>	4429
<u>program.</u>	4430
Sec. 124.03. The state personnel board of review shall	4431
exercise the following powers and perform the following duties:	4432
(A) Hear appeals, as provided by law, of employees in the	4433
classified state service from final decisions of appointing	4434
authorities or the director of administrative services relative to	4435
reduction in pay or position, job abolishments, layoff,	4436

suspension, discharge, assignment or reassignment to a new or 4437
different position classification, or refusal of the director, or 4438
anybody authorized to perform the director's functions, to 4439
reassign an employee to another classification or to reclassify 4440
the employee's position with or without a job audit under division 4441
(D) of section 124.14 of the Revised Code. As used in this 4442
division, "discharge" includes disability separations. ~~The~~ 4443

The board may affirm, disaffirm, or modify the decisions of 4444
the appointing authorities or the director, as the case may be, 4445
and its decision is final. The board's decisions shall be 4446
consistent with the applicable classification specifications. ~~The~~ 4447

The board shall not be deprived of jurisdiction to hear any 4448
appeal due to the failure of an appointing authority to file its 4449
decision with the board. Any final decision of an appointing 4450
authority or of the director not filed in the manner provided in 4451
this chapter shall be disaffirmed. ~~The~~ 4452

The board may place an exempt employee, as defined in section 4453
124.152 of the Revised Code, into a bargaining unit 4454
classification, if the board determines that the bargaining unit 4455
classification is the proper classification for that employee. 4456
Notwithstanding Chapter 4117. of the Revised Code or instruments 4457
and contracts negotiated under it, such placements are at the 4458
board's discretion. 4459

In any hearing before the board, including any hearing at 4460
which a record is taken that may be the basis of an appeal to a 4461
court, an employee may be represented by a person permitted to 4462
practice before the board who is not an attorney at law ~~so~~ as long 4463
as the person does not receive any compensation from the employee 4464
for ~~such~~ the representation. 4465

(B) Hear appeals, as provided by law, of appointing 4466
authorities from final decisions of the director relative to the 4467

classification or reclassification of any position in the 4468
classified state service under the jurisdiction of ~~such~~ that 4469
appointing authority. The board may affirm, disaffirm, or modify 4470
the decisions of the director, and its decision is final. The 4471
board's decisions shall be consistent with the applicable 4472
classification specifications. 4473

(C) Exercise the authority provided by section 124.40 of the 4474
Revised Code, for appointment, removal, and supervision of 4475
municipal and civil service township civil service commissions; 4476

(D) Appoint a secretary, referees, examiners, and whatever 4477
other employees are necessary in the exercise of its powers and 4478
performance of its duties and functions. The board shall determine 4479
appropriate education and experience requirements for its 4480
secretary, referees, examiners, and other employees and shall 4481
prescribe their duties. A referee or examiner does not need to 4482
have been admitted to the practice of law. 4483

(E) Maintain a journal ~~which~~ that shall be open to public 4484
inspection, in which it shall keep a record of all of its 4485
proceedings and of the vote of each of its members upon every 4486
action taken by it; 4487

(F) Adopt rules in accordance with Chapter 119. of the 4488
Revised Code relating to the procedure of the board in 4489
administering the laws ~~which~~ it has the authority or duty to 4490
administer and for the purpose of invoking the jurisdiction of the 4491
board in hearing appeals of appointing authorities and employees 4492
in matters set forth in divisions (A) and (B) of this section; 4493

(G) Subpoena and require the attendance and testimony of 4494
witnesses and the production of books, papers, public records, and 4495
other documentary evidence pertinent to any matter ~~which~~ it has 4496
authority to investigate, inquire into, or hear in the same manner 4497
and to the same extent as provided by division (G) of section 4498

124.09 of the Revised Code. All witness fees shall be paid in the 4499
manner set forth in that division. 4500

(H) The board shall be funded by general revenue fund 4501
appropriations. All moneys received by the board for copies of 4502
documents, rule books, and transcriptions shall be paid into the 4503
state treasury to the credit of the transcript and other documents 4504
fund, which is hereby created to defray the cost of ~~furnishing or~~ 4505
~~making available such copies, rule books, and transcriptions~~ 4506
producing an administrative record. 4507

Sec. 124.15. (A) Board and commission members appointed prior 4508
to July 1, 1991, shall be paid a salary or wage in accordance with 4509
the following schedules of rates: 4510

Schedule B 4511

Pay Ranges and Step Values 4512

Range	Step 1	Step 2	Step 3	Step 4	
23 Hourly	5.72	5.91	6.10	6.31	4513
Annually	11897.60	12292.80	12688.00	13124.80	4514
	Step 5	Step 6			4515
Hourly	6.52	6.75			4516
Annually	13561.60	14040.00			4517
	Step 1	Step 2	Step 3	Step 4	4518
24 Hourly	6.00	6.20	6.41	6.63	4519
Annually	12480.00	12896.00	13332.80	13790.40	4520
	Step 5	Step 6			4521
Hourly	6.87	7.10			4522
Annually	14289.60	14768.00			4523
	Step 1	Step 2	Step 3	Step 4	4524
25 Hourly	6.31	6.52	6.75	6.99	4525
Annually	13124.80	13561.60	14040.00	14539.20	4526
	Step 5	Step 6			4527
Hourly	7.23	7.41			4528
					4529

	Annually	15038.40	15412.80			4530
		Step 1	Step 2	Step 3	Step 4	4531
26	Hourly	6.63	6.87	7.10	7.32	4532
	Annually	13790.40	14289.60	14768.00	15225.60	4533
		Step 5	Step 6			4534
	Hourly	7.53	7.77			4535
	Annually	15662.40	16161.60			4536
		Step 1	Step 2	Step 3	Step 4	4537
27	Hourly	6.99	7.23	7.41	7.64	4538
	Annually	14534.20	15038.40	15412.80	15891.20	4539
		Step 5	Step 6	Step 7		4540
	Hourly	7.88	8.15	8.46		4541
	Annually	16390.40	16952.00	17596.80		4542
		Step 1	Step 2	Step 3	Step 4	4543
28	Hourly	7.41	7.64	7.88	8.15	4544
	Annually	15412.80	15891.20	16390.40	16952.00	4545
		Step 5	Step 6	Step 7		4546
	Hourly	8.46	8.79	9.15		4547
	Annually	17596.80	18283.20	19032.00		4548
		Step 1	Step 2	Step 3	Step 4	4549
29	Hourly	7.88	8.15	8.46	8.79	4550
	Annually	16390.40	16952.00	17596.80	18283.20	4551
		Step 5	Step 6	Step 7		4552
	Hourly	9.15	9.58	10.01		4553
	Annually	19032.00	19926.40	20820.80		4554
		Step 1	Step 2	Step 3	Step 4	4555
30	Hourly	8.46	8.79	9.15	9.58	4556
	Annually	17596.80	18283.20	19032.00	19926.40	4557
		Step 5	Step 6	Step 7		4558
	Hourly	10.01	10.46	10.99		4559
	Annually	20820.80	21756.80	22859.20		4560
		Step 1	Step 2	Step 3	Step 4	4561
31	Hourly	9.15	9.58	10.01	10.46	4562

	Annually	19032.00	19962.40	20820.80	21756.80	4563
		Step 5	Step 6	Step 7		4564
	Hourly	10.99	11.52	12.09		4565
	Annually	22859.20	23961.60	25147.20		4566
		Step 1	Step 2	Step 3	Step 4	4567
32	Hourly	10.01	10.46	10.99	11.52	4568
	Annually	20820.80	21756.80	22859.20	23961.60	4569
		Step 5	Step 6	Step 7	Step 8	4570
	Hourly	12.09	12.68	13.29	13.94	4571
	Annually	25147.20	26374.40	27643.20	28995.20	4572
		Step 1	Step 2	Step 3	Step 4	4573
33	Hourly	10.99	11.52	12.09	12.68	4574
	Annually	22859.20	23961.60	25147.20	26374.40	4575
		Step 5	Step 6	Step 7	Step 8	4576
	Hourly	13.29	13.94	14.63	15.35	4577
	Annually	27643.20	28995.20	30430.40	31928.00	4578
		Step 1	Step 2	Step 3	Step 4	4579
34	Hourly	12.09	12.68	13.29	13.94	4580
	Annually	25147.20	26374.40	27643.20	28995.20	4581
		Step 5	Step 6	Step 7	Step 8	4582
	Hourly	14.63	15.35	16.11	16.91	4583
	Annually	30430.40	31928.00	33508.80	35172.80	4584
		Step 1	Step 2	Step 3	Step 4	4585
35	Hourly	13.29	13.94	14.63	15.35	4586
	Annually	27643.20	28995.20	30430.40	31928.00	4587
		Step 5	Step 6	Step 7	Step 8	4588
	Hourly	16.11	16.91	17.73	18.62	4589
	Annually	33508.80	35172.80	36878.40	38729.60	4590
		Step 1	Step 2	Step 3	Step 4	4591
36	Hourly	14.63	15.35	16.11	16.91	4592
	Annually	30430.40	31928.00	33508.80	35172.80	4593
		Step 5	Step 6	Step 7	Step 8	4594
	Hourly	17.73	18.62	19.54	20.51	4595

Annually	36878.40	38729.60	40643.20	42660.80	4596
Schedule C					4597
	Pay Range and Values				4598
Range		Minimum		Maximum	4599
41 Hourly		10.44		15.72	4600
Annually		21715.20		32697.60	4601
42 Hourly		11.51		17.35	4602
Annually		23940.80		36088.00	4603
43 Hourly		12.68		19.12	4604
Annually		26374.40		39769.60	4605
44 Hourly		13.99		20.87	4606
Annually		29099.20		43409.60	4607
45 Hourly		15.44		22.80	4608
Annually		32115.20		47424.00	4609
46 Hourly		17.01		24.90	4610
Annually		35380.80		51792.00	4611
47 Hourly		18.75		27.18	4612
Annually		39000.00		56534.40	4613
48 Hourly		20.67		29.69	4614
Annually		42993.60		61755.20	4615
49 Hourly		22.80		32.06	4616
Annually		47424.00		66684.80	4617

(B) The pay schedule of all employees shall be on a biweekly basis, with amounts computed on an hourly basis. 4618
4619

(C) Part-time employees shall be compensated on an hourly basis for time worked, at the rates shown in division (A) of this section or in section 124.152 of the Revised Code. 4620
4621
4622

(D) The salary and wage rates in division (A) of this section or in section 124.152 of the Revised Code represent base rates of compensation and may be augmented by the provisions of section 124.181 of the Revised Code. In those cases where lodging, meals, laundry, or other personal services are furnished an employee, the 4623
4624
4625
4626
4627

actual costs or fair market value of the personal services shall 4628
be paid by the employee in such amounts and manner as determined 4629
by the director of administrative services and approved by the 4630
director of budget and management, and those personal services 4631
shall not be considered as a part of the employee's compensation. 4632
An appointing authority, with the approval of the director of 4633
administrative services and the director of budget and management, 4634
may establish payments to employees for uniforms, tools, 4635
equipment, and other requirements of the department and payments 4636
for the maintenance of them. 4637

The director of administrative services may review collective 4638
bargaining agreements entered into under Chapter 4117. of the 4639
Revised Code that cover state employees and determine whether 4640
certain benefits or payments provided to state employees covered 4641
by those agreements should also be provided to employees who are 4642
exempt from collective bargaining coverage and are paid in 4643
accordance with section 124.152 of the Revised Code or are listed 4644
in division (B)(2) or (4) of section 124.14 of the Revised Code. 4645
On completing the review, the director of administrative services, 4646
with the approval of the director of budget and management, may 4647
provide to some or all of these employees any payment or benefit, 4648
except for salary, contained in such a collective bargaining 4649
agreement even if it is similar to a payment or benefit already 4650
provided by law to some or all of these employees. Any payment or 4651
benefit so provided shall not exceed the highest level for that 4652
payment or benefit specified in such a collective bargaining 4653
agreement. The director of administrative services shall not 4654
provide, and the director of budget and management shall not 4655
approve, any payment or benefit to such an employee under this 4656
division unless the payment or benefit is provided pursuant to a 4657
collective bargaining agreement to a state employee who is in a 4658
position with similar duties as, is supervised by, or is employed 4659
by the same appointing authority as, the employee to whom the 4660

benefit or payment is to be provided. 4661

As used in this division, "payment or benefit already 4662
provided by law" includes, but is not limited to, bereavement, 4663
personal, vacation, administrative, and sick leave, disability 4664
benefits, holiday pay, and pay supplements provided under the 4665
Revised Code, but does not include wages or salary. 4666

(E) New employees paid under schedule B of division (A) of 4667
this section or under schedule E-1 of section 124.152 of the 4668
Revised Code shall be employed at the minimum rate established for 4669
the range unless otherwise provided. Employees with qualifications 4670
that are beyond the minimum normally required for the position and 4671
that are determined by the director to be exceptional may be 4672
employed in, or may be transferred or promoted to, a position at 4673
an advanced step of the range. Further, in time of a serious labor 4674
market condition when it is relatively impossible to recruit 4675
employees at the minimum rate for a particular classification, the 4676
entrance rate may be set at an advanced step in the range by the 4677
director of administrative services. This rate may be limited to 4678
geographical regions of the state. Appointments made to an 4679
advanced step under the provision regarding exceptional 4680
qualifications shall not affect the step assignment of employees 4681
already serving. However, anytime the hiring rate of an entire 4682
classification is advanced to a higher step, all incumbents of 4683
that classification being paid at a step lower than that being 4684
used for hiring, shall be advanced beginning at the start of the 4685
first pay period thereafter to the new hiring rate, and any time 4686
accrued at the lower step will be used to calculate advancement to 4687
a succeeding step. If the hiring rate of a classification is 4688
increased for only a geographical region of the state, only 4689
incumbents who work in that geographical region shall be advanced 4690
to a higher step. When an employee in the unclassified service 4691
changes from one state position to another or is appointed to a 4692

position in the classified service, or if an employee in the 4693
classified service is appointed to a position in the unclassified 4694
service, the employee's salary or wage in the new position shall 4695
be determined in the same manner as if the employee were an 4696
employee in the classified service. When an employee in the 4697
unclassified service who is not eligible for step increases is 4698
appointed to a classification in the classified service under 4699
which step increases are provided, future step increases shall be 4700
based on the date on which the employee last received a pay 4701
increase. If the employee has not received an increase during the 4702
previous year, the date of the appointment to the classified 4703
service shall be used to determine the employee's annual step 4704
advancement eligibility date. In reassigning any employee to a 4705
classification resulting in a pay range increase or to a new pay 4706
range as a result of a promotion, an increase pay range 4707
adjustment, or other classification change resulting in a pay 4708
range increase, the director shall assign such employee to the 4709
step in the new pay range that will provide an increase of 4710
approximately four per cent if the new pay range can accommodate 4711
the increase. When an employee is being assigned to a 4712
classification or new pay range as the result of a class plan 4713
change, if the employee has completed a probationary period, the 4714
employee shall be placed in a step no lower than step two of the 4715
new pay range. If the employee has not completed a probationary 4716
period, the employee may be placed in step one of the new pay 4717
range. Such new salary or wage shall become effective on such date 4718
as the director determines. 4719

(F) If employment conditions and the urgency of the work 4720
require such action, the director of administrative services may, 4721
upon the application of a department head, authorize payment at 4722
any rate established within the range for the class of work, for 4723
work of a casual or intermittent nature or on a project basis. 4724
Payment at such rates shall not be made to the same individual for 4725

more than three calendar months in any one calendar year. Any such 4726
action shall be subject to the approval of the director of budget 4727
and management as to the availability of funds. This section and 4728
sections 124.14 and 124.152 of the Revised Code do not repeal any 4729
authority of any department or public official to contract with or 4730
fix the compensation of professional persons who may be employed 4731
temporarily for work of a casual nature or for work on a project 4732
basis. 4733

(G) ~~Each~~ (1) Except as provided in division (G)(2) of this 4734
section, each state employee paid under schedule B of this section 4735
or under schedule E-1 of section 124.152 of the Revised Code shall 4736
be eligible for advancement to succeeding steps in the range for 4737
the employee's class according to the schedule established in this 4738
division. Beginning on the first day of the pay period within 4739
which the employee completes the prescribed probationary period in 4740
the employee's classification with the state, each employee shall 4741
receive an automatic salary adjustment equivalent to the next 4742
higher step within the pay range for the employee's class or 4743
grade. 4744

Each employee paid under schedule E-1 of section 124.152 of 4745
the Revised Code shall be eligible to advance to the next higher 4746
step until the employee reaches step six, if the employee has 4747
maintained satisfactory performance in accordance with criteria 4748
established by the employee's appointing authority. Those step 4749
~~increases~~ advancements shall not occur more frequently than once 4750
in any twelve-month period. An employee only may advance to step 4751
seven upon performing at an exemplary level as determined in the 4752
employee's performance evaluation. An employee's advancement to 4753
step seven is at the discretion of the employee's appointing 4754
authority. An employee may not appeal the denial of advancement to 4755
step seven to the state personnel board of review. 4756

When an employee is promoted or reassigned to a higher pay 4757

range, the employee's step indicator shall return to "0" or be 4758
adjusted to account for a probationary period, as appropriate. 4759
Step advancement shall not be affected by demotion. A promoted 4760
employee shall advance to the next higher step of the pay range on 4761
the first day of the pay period in which the required probationary 4762
period is completed. Step advancement shall become effective at 4763
the beginning of the pay period within which the employee attains 4764
the necessary length of service. Time spent on authorized leave of 4765
absence shall be counted for this purpose. 4766

If determined to be in the best interest of the state 4767
service, the director of administrative services may, either 4768
statewide or in selected agencies, adjust the dates on which 4769
annual step ~~increases~~ advancements are received by employees paid 4770
under schedule E-1 of section 124.152 of the Revised Code. 4771

(2)(a)(i) Except as provided in division (G)(2)(a)(ii) of 4772
this section, there shall be a moratorium on step advancements 4773
under division (G)(1) of this section from the pay period 4774
beginning June 29, 2003, through the pay period ending June 25, 4775
2005. Step advancements shall resume with the pay period beginning 4776
June 26, 2005. Upon the resumption of step advancements, there 4777
shall be no retroactive step advancements for the period the 4778
moratorium was in effect. The moratorium shall not affect an 4779
employee's performance evaluation schedule. 4780

(ii) During the moratorium under division (G)(2)(a)(i) of 4781
this section, an employee who is hired or promoted and serves a 4782
probationary period in the employee's new position shall advance 4783
to the next step in the employee's pay range upon successful 4784
completion of the employee's probationary period. Thereafter, the 4785
employee is subject to the moratorium. 4786

(b) The moratorium under division (G)(2)(a)(i) of this 4787
section shall apply to the employees of the secretary of state, 4788
the auditor of state, the treasurer of state, and the attorney 4789

general, who are subject to this section unless the secretary of 4790
state, the auditor of state, the treasurer of state, or the 4791
attorney general decides to exempt the office's employees from the 4792
moratorium and so notifies the director of administrative services 4793
in writing on or before July 1, 2003. 4794

(H) Employees in appointive managerial or professional 4795
positions paid under salary schedule C of this section or under 4796
salary schedule E-2 of section 124.152 of the Revised Code may be 4797
appointed at any rate within the appropriate pay range. This rate 4798
of pay may be adjusted higher or lower within the respective pay 4799
range at any time the appointing authority so desires as long as 4800
the adjustment is based on the employee's ability to successfully 4801
administer those duties assigned to the employee. Salary 4802
adjustments shall not be made more frequently than once in any 4803
six-month period under this provision to incumbents holding the 4804
same position and classification. 4805

(I) When an employee is assigned to duty outside this state, 4806
the employee may be compensated, upon request of the department 4807
head and with the approval of the director of administrative 4808
services, at a rate not to exceed fifty per cent in excess of the 4809
employee's current base rate for the period of time spent on that 4810
duty. 4811

(J) Unless compensation for members of a board or commission 4812
is otherwise specifically provided by law, the director of 4813
administrative services shall establish the rate and method of 4814
payment for members of boards and commissions pursuant to the pay 4815
schedules listed in section 124.152 of the Revised Code. 4816

(K) Regular full-time employees in positions assigned to 4817
classes within the instruction and education administration series 4818
under the rules of the director of administrative services, except 4819
certificated employees on the instructional staff of the state 4820
school for the blind or the state school for the deaf, whose 4821

positions are scheduled to work on the basis of an academic year 4822
rather than a full calendar year, shall be paid according to the 4823
pay range assigned by such rules but only during those pay periods 4824
included in the academic year of the school where the employee is 4825
located. 4826

(1) Part-time or substitute teachers or those whose period of 4827
employment is other than the full academic year shall be 4828
compensated for the actual time worked at the rate established by 4829
this section. 4830

(2) Employees governed by this division are exempt from 4831
sections 124.13 and 124.19 of the Revised Code. 4832

(3) Length of service for the purpose of determining 4833
eligibility for step ~~increases~~ advancements as provided by 4834
division (G) of this section and for the purpose of determining 4835
eligibility for longevity pay supplements as provided by division 4836
~~(F)~~(E) of section 124.181 of the Revised Code shall be computed on 4837
the basis of one full year of service for the completion of each 4838
academic year. 4839

(L) The superintendent of the state school for the deaf and 4840
the superintendent of the state school for the blind shall, 4841
subject to the approval of the superintendent of public 4842
instruction, carry out both of the following: 4843

(1) Annually, between the first day of April and the last day 4844
of June, establish for the ensuing fiscal year a schedule of 4845
hourly rates for the compensation of each certificated employee on 4846
the instructional staff of that superintendent's respective school 4847
constructed as follows: 4848

(a) Determine for each level of training, experience, and 4849
other professional qualification for which an hourly rate is set 4850
forth in the current schedule, the per cent that rate is of the 4851
rate set forth in such schedule for a teacher with a bachelor's 4852

degree and no experience. If there is more than one such rate for 4853
such a teacher, the lowest rate shall be used to make the 4854
computation. 4855

(b) Determine which six city, local, and exempted village 4856
school districts with territory in Franklin county have in effect 4857
on, or have adopted by, the first day of April for the school year 4858
that begins on the ensuing first day of July, teacher salary 4859
schedules with the highest minimum salaries for a teacher with a 4860
bachelor's degree and no experience; 4861

(c) Divide the sum of such six highest minimum salaries by 4862
ten thousand five hundred sixty; 4863

(d) Multiply each per cent determined in division (L)(1)(a) 4864
of this section by the quotient obtained in division (L)(1)(c) of 4865
this section; 4866

(e) One hundred five per cent of each product thus obtained 4867
shall be the hourly rate for the corresponding level of training, 4868
experience, or other professional qualification in the schedule 4869
for the ensuing fiscal year. 4870

(2) Annually, assign each certificated employee on the 4871
instructional staff of the superintendent's respective school to 4872
an hourly rate on the schedule that is commensurate with the 4873
employee's training, experience, and other professional 4874
qualifications. 4875

If an employee is employed on the basis of an academic year, 4876
the employee's annual salary shall be calculated by multiplying 4877
the employee's assigned hourly rate times one thousand seven 4878
hundred sixty. If an employee is not employed on the basis of an 4879
academic year, the employee's annual salary shall be calculated in 4880
accordance with the following formula: 4881

(a) Multiply the number of days the employee is required to 4882
work pursuant to the employee's contract by eight; 4883

(b) Multiply the product of division (L)(2)(a) of this section by the employee's assigned hourly rate.

Each employee shall be paid an annual salary in biweekly installments. The amount of each installment shall be calculated by dividing the employee's annual salary by the number of biweekly installments to be paid during the year.

Sections 124.13 and 124.19 of the Revised Code do not apply to an employee who is paid under this division.

As used in this division, "academic year" means the number of days in each school year that the schools are required to be open for instruction with pupils in attendance. Upon completing an academic year, an employee paid under this division shall be deemed to have completed one year of service. An employee paid under this division is eligible to receive a pay supplement under division (L)(1), (2), or (3) of section 124.181 of the Revised Code for which the employee qualifies, but is not eligible to receive a pay supplement under division (L)(4) or (5) of that section. An employee paid under this division is eligible to receive a pay supplement under division (L)(6) of section 124.181 of the Revised Code for which the employee qualifies, except that the supplement is not limited to a maximum of five per cent of the employee's regular base salary in a calendar year.

(M) Division (A) of this section does not apply to "exempt employees," as defined in section 124.152 of the Revised Code, who are paid under that section.

Notwithstanding any other provisions of this chapter, when an employee transfers between bargaining units or transfers out of or into a bargaining unit, the director shall establish the employee's compensation and adjust the maximum leave accrual schedule as the director deems equitable.

~~Sec. 124.152. (A) Beginning on the first day of the pay period that includes July 1, 2000, each exempt employee shall be paid a salary or wage in accordance with the following schedule of rates:~~

~~Schedule E 1~~

~~Pay Ranges and Step Values~~

		Step	Step	Step	Step	Step	Step	Step
	Range	1	2	3	4	5	6	7
1	Hourly	8.15	8.51	8.88	9.27			
	Annually	16952	17701	18470	19282			
2	Hourly	9.88	10.30	10.75	11.23			
	Annually	20550	21424	22360	23358			
3	Hourly	10.35	10.82	11.29	11.79			
	Annually	21528	22506	23483	24523			
4	Hourly	10.87	11.36	11.90	12.43			
	Annually	22610	23629	24752	25854			
5	Hourly	11.41	11.93	12.43	12.98			
	Annually	23733	24814	25854	26998			
6	Hourly	12.02	12.51	13.07	13.60			
	Annually	25002	26021	27186	28288			
7	Hourly	12.76	13.25	13.78	14.26	14.81		
	Annually	26541	27560	28662	29661	30805		
8	Hourly	13.50	14.09	14.71	15.35	16.01		
	Annually	28080	29307	30597	31928	33301		
9	Hourly	14.40	15.14	15.89	16.68	17.53		
	Annually	29952	31491	33051	34694	36462		
10	Hourly	15.54	16.38	17.27	18.25	19.23		
	Annually	32323	34070	35922	37960	39998		
11	Hourly	16.91	17.90	18.94	20.00	21.14		
	Annually	35173	37232	39395	41600	43971		
12	Hourly	18.66	19.70	20.76	21.91	23.13	24.40	25.74
	Annually	38813	40976	43181	45573	48110	50752	53539

13	Hourly	20.56	21.69	22.88	24.11	25.46	26.85	28.33	4946
	Annually	42765	45115	47590	50149	52957	55848	58926	4947
14	Hourly	22.62	23.89	25.18	26.56	28.06	29.61	31.24	4948
	Annually	47050	49691	52374	55245	58365	61589	64979	4949
15	Hourly	24.84	26.23	27.72	29.25	30.86	32.57	34.36	4950
	Annually	51667	54558	57658	60840	64189	67746	71469	4951
16	Hourly	27.39	28.91	30.51	32.21	33.99	35.92	37.90	4952
	Annually	56971	60133	63461	66997	70699	74714	78832	4953
17	Hourly	30.18	31.85	33.63	35.49	37.47	39.56	41.74	4954
	Annually	62774	66248	69950	73819	77938	82285	86819	4955
18	Hourly	33.26	35.10	37.07	39.12	41.28	43.59	45.99	4956
	Annually	69181	73008	77106	81370	85862	90667	95659	4957
	Schedule E-2								4958
	Range			Minimum			Maximum		4959
41	Hourly			16.23			30.15		4960
	Annually			33758			62712		4961
42	Hourly			17.89			33.31		4962
	Annually			37211			69285		4963
43	Hourly			19.70			36.69		4964
	Annually			40976			76315		4965
44	Hourly			21.73			40.07		4966
	Annually			45198			83346		4967
45	Hourly			24.01			43.75		4968
	Annually			49941			91000		4969
46	Hourly			26.43			47.81		4970
	Annually			54974			99445		4971
47	Hourly			29.14			52.17		4972
	Annually			60611			108514		4973
48	Hourly			32.14			56.94		4974
	Annually			66851			118435		4975
49	Hourly			35.44			61.48		4976
	Annually			73715			127878		4977

~~(B) Beginning on the first day of the pay period that includes July 1, 2001, each exempt employee shall be paid a salary or wage in accordance with the following schedule of rates:~~

~~Schedule E-1~~

~~Pay Ranges and Step Values~~

		Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	
	Range	1	2	3	4	5	6	7	
1	Hourly	8.44	8.81	9.19	9.59				
	Annually	17555	18325	19115	19947				
2	Hourly	10.23	10.66	11.13	11.62				
	Annually	21278	22173	23150	24170				
3	Hourly	10.71	11.20	11.69	12.20				
	Annually	22277	23296	24315	25376				
4	Hourly	11.25	11.76	12.32	12.87				
	Annually	23400	24461	25626	26770				
5	Hourly	11.81	12.35	12.87	13.43				
	Annually	24565	25688	26770	27934				
6	Hourly	12.44	12.95	13.53	14.08				
	Annually	25875	26936	28142	29286				
7	Hourly	13.21	13.71	14.26	14.76	15.33			
	Annually	27477	28517	29661	30701	31886			
8	Hourly	13.97	14.58	15.22	15.89	16.57			
	Annually	29058	30326	31658	33051	34466			
9	Hourly	14.90	15.67	16.45	17.26	18.14			
	Annually	30992	32594	34216	35901	37731			
10	Hourly	16.08	16.95	17.87	18.89	19.90			
	Annually	33446	35256	37170	39291	41392			
11	Hourly	17.50	18.53	19.60	20.70	21.88			
	Annually	36400	38542	40768	43056	45510			
12	Hourly	19.31	20.39	21.49	22.68	23.94	25.25	26.64	
	Annually	40165	42411	44699	47174	49795	52520	55411	
13	Hourly	21.28	22.45	23.68	24.95	26.35	27.79	29.32	

includes July 1, 2002, each exempt employee shall be paid a salary 5042
 or wage in accordance with the following schedule of rates: 5043

Schedule E-1 5044

Pay Ranges and Step Values 5045

		Step	Step	Step	Step	Step	Step	Step	
	Range	1	2	3	4	5	6	7	
1	Hourly	8.78	9.16	9.56	9.97				5048
	Annually	18262	19053	19885	20738				5049
2	Hourly	10.64	11.09	11.58	12.08				5050
	Annually	22131	23067	24086	25126				5051
3	Hourly	11.14	11.65	12.16	12.69				5052
	Annually	23171	24232	25293	26395				5053
4	Hourly	11.70	12.23	12.81	13.38				5054
	Annually	24336	25438	26645	27830				5055
5	Hourly	12.28	12.84	13.38	13.97				5056
	Annually	25542	26707	27830	29058				5057
6	Hourly	12.94	13.47	14.07	14.64				5058
	Annually	26915	28018	29266	30451				5059
7	Hourly	13.74	14.26	14.83	15.35	15.94			5060
	Annually	28579	29661	30846	31928	33155			5061
8	Hourly	14.53	15.16	15.83	16.53	17.23			5062
	Annually	30222	31533	32926	34382	35838			5063
9	Hourly	15.50	16.30	17.11	17.95	18.87			5064
	Annually	32240	33904	35589	37336	39250			5065
10	Hourly	16.72	17.63	18.58	19.65	20.70			5066
	Annually	34778	36670	38646	40872	43056			5067
11	Hourly	18.20	19.27	20.38	21.53	22.76			5068
	Annually	37856	40082	42390	44782	47341			5069
12	Hourly	20.08	21.21	22.35	23.59	24.90	26.26	27.71	5070
	Annually	41766	44117	46488	49067	51792	54621	57637	5071
13	Hourly	22.13	23.35	24.63	25.95	27.40	28.90	30.49	5072
	Annually	46030	48568	51230	53976	56992	60112	63419	5073
14	Hourly	24.35	25.72	27.10	28.59	30.20	31.88	33.62	5074

	Annually	50648	53498	56368	59467	62816	66310	69930	5075
15	Hourly	26.74	28.24	29.84	31.48	33.22	35.06	36.98	5076
	Annually	55619	58739	62067	65478	69098	72925	76918	5077
16	Hourly	29.48	31.12	32.84	34.67	36.59	38.67	40.80	5078
	Annually	61318	64730	68307	72114	76107	80434	84864	5079
17	Hourly	32.49	34.28	36.20	38.20	40.33	42.58	44.93	5080
	Annually	67579	71302	75296	79456	83886	88566	93454	5081
18	Hourly	35.80	37.78	39.90	42.11	44.43	46.92	49.50	5082
	Annually	74464	78582	82992	87589	92414	97594	102960	5083
Schedule E-2									5084
	Range			Minimum				Maximum	5085
41	Hourly			16.23				32.46	5086
	Annually			33758				67517	5087
42	Hourly			17.89				35.86	5088
	Annually			37211				74589	5089
43	Hourly			19.70				39.49	5090
	Annually			40976				82139	5091
44	Hourly			21.73				43.13	5092
	Annually			45198				89710	5093
45	Hourly			24.01				47.09	5094
	Annually			49941				97947	5095
46	Hourly			26.43				51.46	5096
	Annually			54974				107037	5097
47	Hourly			29.14				56.16	5098
	Annually			60611				116813	5099
48	Hourly			32.14				61.29	5100
	Annually			66851				127483	5101
49	Hourly			35.44				66.18	5102
	Annually			73715				137654	5103
	<u>(D)(B) Beginning on the first day of the pay period that</u>								5104
	<u>includes July 1, 2005, each exempt employee shall be paid a salary</u>								5105
	<u>or wage in accordance with the following schedule of rates:</u>								5106

<u>Schedule E-1</u>		<u>Pay Ranges and Step Values</u>							
	<u>Range</u>	<u>Step 1</u>	<u>Step 2</u>	<u>Step 3</u>	<u>Step 4</u>	<u>Step 5</u>	<u>Step 6</u>	<u>Step 7</u>	
									5107
									5108
									5109
									5110
<u>1</u>	<u>Hourly</u>	<u>9.13</u>	<u>9.53</u>	<u>9.94</u>	<u>10.37</u>				5111
	<u>Annually</u>	<u>18990</u>	<u>19822</u>	<u>20675</u>	<u>21570</u>				5112
<u>2</u>	<u>Hourly</u>	<u>11.07</u>	<u>11.53</u>	<u>12.04</u>	<u>12.56</u>				5113
	<u>Annually</u>	<u>23026</u>	<u>23982</u>	<u>25043</u>	<u>26125</u>				5114
<u>3</u>	<u>Hourly</u>	<u>11.59</u>	<u>12.12</u>	<u>12.65</u>	<u>13.20</u>				5115
	<u>Annually</u>	<u>24107</u>	<u>25210</u>	<u>26312</u>	<u>27456</u>				5116
<u>4</u>	<u>Hourly</u>	<u>12.17</u>	<u>12.72</u>	<u>13.32</u>	<u>13.92</u>				5117
	<u>Annually</u>	<u>25314</u>	<u>26458</u>	<u>27706</u>	<u>28954</u>				5118
<u>5</u>	<u>Hourly</u>	<u>12.77</u>	<u>13.35</u>	<u>13.92</u>	<u>14.53</u>				5119
	<u>Annually</u>	<u>26562</u>	<u>27768</u>	<u>28954</u>	<u>30222</u>				5120
<u>6</u>	<u>Hourly</u>	<u>13.46</u>	<u>14.01</u>	<u>14.63</u>	<u>15.23</u>				5121
	<u>Annually</u>	<u>27997</u>	<u>29141</u>	<u>30430</u>	<u>31678</u>				5122
<u>7</u>	<u>Hourly</u>	<u>14.29</u>	<u>14.83</u>	<u>15.42</u>	<u>15.96</u>	<u>16.58</u>			5123
	<u>Annually</u>	<u>29723</u>	<u>30846</u>	<u>32074</u>	<u>33197</u>	<u>34486</u>			5124
<u>8</u>	<u>Hourly</u>	<u>15.11</u>	<u>15.77</u>	<u>16.46</u>	<u>17.19</u>	<u>17.92</u>			5125
	<u>Annually</u>	<u>31429</u>	<u>32802</u>	<u>34237</u>	<u>35755</u>	<u>37274</u>			5126
<u>9</u>	<u>Hourly</u>	<u>16.12</u>	<u>16.95</u>	<u>17.79</u>	<u>18.67</u>	<u>19.62</u>			5127
	<u>Annually</u>	<u>33530</u>	<u>35256</u>	<u>37003</u>	<u>38834</u>	<u>40810</u>			5128
<u>10</u>	<u>Hourly</u>	<u>17.39</u>	<u>18.34</u>	<u>19.32</u>	<u>20.44</u>	<u>21.53</u>			5129
	<u>Annually</u>	<u>36171</u>	<u>38147</u>	<u>40186</u>	<u>42515</u>	<u>44782</u>			5130
<u>11</u>	<u>Hourly</u>	<u>18.93</u>	<u>20.04</u>	<u>21.20</u>	<u>22.39</u>	<u>23.67</u>			5131
	<u>Annually</u>	<u>39374</u>	<u>41683</u>	<u>44096</u>	<u>46571</u>	<u>49234</u>			5132
<u>12</u>	<u>Hourly</u>	<u>20.88</u>	<u>22.06</u>	<u>23.24</u>	<u>24.53</u>	<u>25.90</u>	<u>27.31</u>	<u>28.82</u>	5133
	<u>Annually</u>	<u>43430</u>	<u>45885</u>	<u>48339</u>	<u>51022</u>	<u>53872</u>	<u>56805</u>	<u>59946</u>	5134
<u>13</u>	<u>Hourly</u>	<u>23.02</u>	<u>24.28</u>	<u>25.62</u>	<u>26.99</u>	<u>28.50</u>	<u>30.06</u>	<u>31.71</u>	5135
	<u>Annually</u>	<u>47882</u>	<u>50502</u>	<u>53290</u>	<u>56139</u>	<u>59280</u>	<u>62525</u>	<u>65957</u>	5136
<u>14</u>	<u>Hourly</u>	<u>25.32</u>	<u>26.75</u>	<u>28.18</u>	<u>29.73</u>	<u>31.41</u>	<u>33.16</u>	<u>34.96</u>	5137
	<u>Annually</u>	<u>52666</u>	<u>55640</u>	<u>58614</u>	<u>61838</u>	<u>65333</u>	<u>68973</u>	<u>72717</u>	5138
<u>15</u>	<u>Hourly</u>	<u>27.81</u>	<u>29.37</u>	<u>31.03</u>	<u>32.74</u>	<u>34.55</u>	<u>36.46</u>	<u>38.46</u>	5139

	<u>Annually</u>	<u>57845</u>	<u>61090</u>	<u>64542</u>	<u>68099</u>	<u>71864</u>	<u>75837</u>	<u>79997</u>	5140
<u>16</u>	<u>Hourly</u>	<u>30.66</u>	<u>32.36</u>	<u>34.15</u>	<u>36.06</u>	<u>38.05</u>	<u>40.22</u>	<u>42.43</u>	5141
	<u>Annually</u>	<u>63773</u>	<u>67309</u>	<u>71032</u>	<u>75005</u>	<u>79144</u>	<u>83658</u>	<u>88254</u>	5142
<u>17</u>	<u>Hourly</u>	<u>33.79</u>	<u>35.65</u>	<u>37.65</u>	<u>39.73</u>	<u>41.94</u>	<u>44.28</u>	<u>46.73</u>	5143
	<u>Annually</u>	<u>70283</u>	<u>74152</u>	<u>78312</u>	<u>82638</u>	<u>87235</u>	<u>92102</u>	<u>97198</u>	5144
<u>18</u>	<u>Hourly</u>	<u>37.23</u>	<u>39.29</u>	<u>41.50</u>	<u>43.79</u>	<u>46.21</u>	<u>48.80</u>	<u>51.48</u>	5145
	<u>Annually</u>	<u>77438</u>	<u>81723</u>	<u>86320</u>	<u>91083</u>	<u>96117</u>	<u>101504</u>	<u>107078</u>	5146

Schedule E-2 5147

	<u>Range</u>	<u>Minimum</u>	<u>Maximum</u>	5148
<u>41</u>	<u>Hourly</u>	<u>16.23</u>	<u>33.76</u>	5149
	<u>Annually</u>	<u>33758</u>	<u>70221</u>	5150
<u>42</u>	<u>Hourly</u>	<u>17.89</u>	<u>37.29</u>	5151
	<u>Annually</u>	<u>37211</u>	<u>77563</u>	5152
<u>43</u>	<u>Hourly</u>	<u>19.70</u>	<u>41.07</u>	5153
	<u>Annually</u>	<u>40976</u>	<u>85426</u>	5154
<u>44</u>	<u>Hourly</u>	<u>21.73</u>	<u>44.86</u>	5155
	<u>Annually</u>	<u>45198</u>	<u>93309</u>	5156
<u>45</u>	<u>Hourly</u>	<u>24.01</u>	<u>48.97</u>	5157
	<u>Annually</u>	<u>49941</u>	<u>101858</u>	5158
<u>46</u>	<u>Hourly</u>	<u>26.43</u>	<u>53.52</u>	5159
	<u>Annually</u>	<u>54974</u>	<u>111322</u>	5160
<u>47</u>	<u>Hourly</u>	<u>29.14</u>	<u>58.41</u>	5161
	<u>Annually</u>	<u>60611</u>	<u>121493</u>	5162
<u>48</u>	<u>Hourly</u>	<u>32.14</u>	<u>63.74</u>	5163
	<u>Annually</u>	<u>66851</u>	<u>132579</u>	5164
<u>49</u>	<u>Hourly</u>	<u>35.44</u>	<u>68.83</u>	5165
	<u>Annually</u>	<u>73715</u>	<u>143166</u>	5166

(C) As used in this section, "exempt employee" means a 5167
 permanent full-time or permanent part-time employee paid directly 5168
 by warrant of the auditor of state whose position is included in 5169
 the job classification plan established under division (A) of 5170
 section 124.14 of the Revised Code but who is not considered a 5171

public employee for the purposes of Chapter 4117. of the Revised 5172
Code. As used in this section, "exempt employee" also includes a 5173
permanent full-time or permanent part-time employee of the 5174
secretary of state, auditor of state, treasurer of state, or 5175
attorney general who has not been placed in an appropriate 5176
bargaining unit by the state employment relations board. 5177

Sec. 124.181. (A) Except as provided in division (M) of this 5178
section, any employee paid under schedule B of section 124.15 or 5179
under schedule E-1 of section 124.152 of the Revised Code is 5180
eligible for the pay supplements provided in this section upon 5181
application by the appointing authority substantiating the 5182
employee's qualifications for the supplement and with the approval 5183
of the director of administrative services except as provided in 5184
division (E) of this section. 5185

(B) ~~In~~ Except as provided in section 124.183 of the Revised 5186
Code, in computing any of the pay supplements provided in this 5187
section, the classification salary base shall be the minimum 5188
hourly rate of the pay range, provided in section 124.15 or 5189
124.152 of the Revised Code, in which the employee is assigned at 5190
the time of computation. 5191

(C) The effective date of any pay supplement, except as 5192
provided in section 124.183 of the Revised Code or unless 5193
otherwise provided in this section, shall be determined by the 5194
director. 5195

(D) The director shall, by rule, establish standards 5196
regarding the administration of this section. 5197

(E)(1) Except as otherwise provided in this division, 5198
beginning on the first day of the pay period within which the 5199
employee completes five years of total service with the state 5200
government or any of its political subdivisions, each employee in 5201
positions paid under salary schedule B of section 124.15 or under 5202

salary schedule E-1 of section 124.152 of the Revised Code shall 5203
receive an automatic salary adjustment equivalent to two and 5204
one-half per cent of the classification salary base, to the 5205
nearest whole cent. Each employee shall receive thereafter an 5206
annual adjustment equivalent to one-half of one per cent of the 5207
employee's classification salary base, to the nearest whole cent, 5208
for each additional year of qualified employment until a maximum 5209
of ten per cent of the employee's classification salary base is 5210
reached. The granting of longevity adjustments shall not be 5211
affected by promotion, demotion, or other changes in 5212
classification held by the employee, nor by any change in pay 5213
range for the employee's class. Longevity pay adjustments shall 5214
become effective at the beginning of the pay period within which 5215
the employee completes the necessary length of service, except 5216
that when an employee requests credit for prior service, the 5217
effective date of the prior service credit and of any longevity 5218
adjustment shall be the first day of the pay period following 5219
approval of the credit by the director of administrative services. 5220
No employee, other than an employee who submits proof of prior 5221
service within ninety days after the date of the employee's 5222
hiring, shall receive any longevity adjustment for the period 5223
prior to the director's approval of a prior service credit. Time 5224
spent on authorized leave of absence shall be counted for this 5225
purpose. 5226

(2) An employee who has retired in accordance with the 5227
provisions of any retirement system offered by the state and who 5228
is employed by the state or any political subdivision of the state 5229
on or after June 24, 1987, shall not have prior service with the 5230
state or any political subdivision of the state counted for the 5231
purpose of determining the amount of the salary adjustment 5232
provided under this division. 5233

(3) There shall be a moratorium on employees' receipt under 5234

this division of credit for service with the state government or 5235
any of its political subdivisions during the period from July 1, 5236
2003, through June 30, 2005. In calculating the number of years of 5237
total service under this division, no credit shall be included for 5238
service during the moratorium. The moratorium shall apply to the 5239
employees of the secretary of state, the auditor of state, the 5240
treasurer of state, and the attorney general, who are subject to 5241
this section unless the secretary of state, the auditor of state, 5242
the treasurer of state, or the attorney general decides to exempt 5243
the office's employees from the moratorium and so notifies the 5244
director of administrative services in writing on or before July 5245
1, 2003. 5246

If an employee is exempt from the moratorium, receives credit 5247
for a period of service during the moratorium, and takes a 5248
position with another entity in the state government or any of its 5249
political subdivisions, either during or after the moratorium, and 5250
if that entity's employees are or were subject to the moratorium, 5251
the employee shall continue to retain the credit. However, if the 5252
moratorium is in effect upon the taking of the new position, the 5253
employee shall cease receiving additional credit as long as the 5254
employee is in the position, until the moratorium expires. 5255

(F) When an exceptional condition exists that creates a 5256
temporary or a permanent hazard for one or more positions in a 5257
class paid under schedule B of section 124.15 or under salary 5258
schedule E-1 of section 124.152 of the Revised Code, a special 5259
hazard salary adjustment may be granted for the time the employee 5260
is subjected to the hazardous condition. All special hazard 5261
conditions shall be identified for each position and incidence 5262
from information submitted to the director on an appropriate form 5263
provided by the director and categorized into standard conditions 5264
of: some unusual hazard not common to the class; considerable 5265
unusual hazard not common to the class; and exceptional hazard not 5266

common to the class. 5267

(1) A hazardous salary adjustment of five per cent of the 5268
employee's classification salary base may be applied in the case 5269
of some unusual hazardous condition not common to the class for 5270
those hours worked, or a fraction thereof, while the employee was 5271
subject to the unusual hazard condition. 5272

(2) A hazardous salary adjustment of seven and one-half per 5273
cent of the employee's classification salary base may be applied 5274
in the case of some considerable hazardous condition not common to 5275
the class for those hours worked, or a fraction thereof, while the 5276
employee was subject to the considerable hazard condition. 5277

(3) A hazardous salary adjustment of ten per cent of the 5278
employee's classification salary base may be applied in the case 5279
of some exceptional hazardous condition not common to the class 5280
for those hours worked, or a fraction thereof, when the employee 5281
was subject to the exceptional hazard condition. 5282

(4) Each claim for temporary hazard pay shall be submitted as 5283
a separate payment and shall be subject to an administrative audit 5284
by the director as to the extent and duration of the employee's 5285
exposure to the hazardous condition. 5286

(G) When a full-time employee whose salary or wage is paid 5287
directly by warrant of the auditor of state and who also is 5288
eligible for overtime under the "Fair Labor Standards Act of 5289
1938," 52 Stat. 1060, 29 U.S.C.A. 207, 213, as amended, is ordered 5290
by the appointing authority to report back to work after 5291
termination of the employee's regular work schedule and the 5292
employee reports, the employee shall be paid for such time. The 5293
employee shall be entitled to four hours at the employee's total 5294
rate of pay or overtime compensation for the actual hours worked, 5295
whichever is greater. This division does not apply to work that is 5296
a continuation of or immediately preceding an employee's regular 5297

work schedule. 5298

(H) When a certain position or positions paid under schedule 5299
B of section 124.15 or under salary schedule E-1 of section 5300
124.152 of the Revised Code require the ability to speak or write 5301
a language other than English, a special pay supplement may be 5302
granted to attract bilingual individuals, to encourage present 5303
employees to become proficient in other languages, or to retain 5304
qualified bilingual employees. The bilingual pay supplement 5305
provided in this division may be granted in the amount of five per 5306
cent of the employee's classification salary base for each 5307
required foreign language and shall remain in effect as long as 5308
the bilingual requirement exists. 5309

(I) The director may establish a shift differential for 5310
employees. Such differential shall be paid to employees in 5311
positions working in other than the regular or first shift. In 5312
those divisions or agencies where only one shift prevails, no 5313
shift differential shall be paid regardless of the hours of the 5314
day that are worked. The director and the appointing authority 5315
shall designate which positions shall be covered by this division. 5316

(J) Whenever an employee is assigned to work in a higher 5317
level position for a continuous period of more than two weeks but 5318
no more than two years because of a vacancy, the employee's pay 5319
may be established at a rate that is approximately four per cent 5320
above the employee's current base rate for the period the employee 5321
occupies the position, provided that this temporary occupancy is 5322
approved by the director. Employees paid under this division shall 5323
continue to receive any of the pay supplements due them under 5324
other divisions of this section based on the step one base rate 5325
for their normal classification. 5326

(K) If a certain position, or positions, within a class paid 5327
under schedule B of section 124.15 or under salary schedule E-1 of 5328
section 124.152 of the Revised Code are mandated by state or 5329

federal law or regulation or other regulatory agency or other 5330
certification authority to have special technical certification, 5331
registration, or licensing to perform the functions which are 5332
under the mandate, a special professional achievement pay 5333
supplement may be granted. This special professional achievement 5334
pay supplement shall not be granted when all incumbents in all 5335
positions in a class require license as provided in the 5336
classification description published by the department of 5337
administrative services; to licensees where no special or 5338
extensive training is required; when certification is granted upon 5339
completion of a stipulated term of in-service training; when an 5340
appointing authority has required certification; or any other 5341
condition prescribed by the director. 5342

(1) Before this supplement may be applied, evidence as to the 5343
requirement must be provided by the agency for each position 5344
involved, and certification must be received from the director as 5345
to the director's concurrence for each of the positions so 5346
affected. 5347

(2) The professional achievement pay supplement provided in 5348
this division shall be granted in an amount up to ten per cent of 5349
the employee's classification salary base and shall remain in 5350
effect as long as the mandate exists. 5351

(L) Those employees assigned to teaching supervisory, 5352
principal, assistant principal, or superintendent positions who 5353
have attained a higher educational level than a basic bachelor's 5354
degree may receive an educational pay supplement to remain in 5355
effect as long as the employee's assignment and classification 5356
remain the same. 5357

(1) An educational pay supplement of two and one-half per 5358
cent of the employee's classification salary base may be applied 5359
upon the achievement of a bachelor's degree plus twenty quarter 5360
hours of postgraduate work. 5361

(2) An educational pay supplement of an additional five per cent of the employee's classification salary base may be applied upon achievement of a master's degree.

(3) An educational pay supplement of an additional two and one-half per cent of the employee's classification salary base may be applied upon achievement of a master's degree plus thirty quarter hours of postgraduate work.

(4) An educational pay supplement of five per cent of the employee's classification salary base may be applied when the employee is performing as a master teacher.

(5) An educational pay supplement of five per cent of the employee's classification salary base may be applied when the employee is performing as a special education teacher.

(6) Those employees in teaching supervisory, principal, assistant principal, or superintendent positions who are responsible for specific extracurricular activity programs shall receive overtime pay for those hours worked in excess of their normal schedule, at their straight time hourly rate up to a maximum of five per cent of their regular base salary in any calendar year.

(M)(1) A state agency, board, or commission may establish a supplementary compensation schedule for those licensed physicians employed by the agency, board, or commission in positions requiring a licensed physician. The supplementary compensation schedule, together with the compensation otherwise authorized by this chapter, shall provide for the total compensation for these employees to range appropriately, but not necessarily uniformly, for each classification title requiring a licensed physician, in accordance with a schedule approved by the state controlling board. The individual salary levels recommended for each such physician employed shall be approved by the director.

Notwithstanding section 124.11 of the Revised Code, such personnel 5393
are in the unclassified civil service. 5394

(2) The director of administrative services may approve 5395
supplementary compensation for the director of health, if the 5396
director is a licensed physician, in accordance with a 5397
supplementary compensation schedule approved under division (M)(1) 5398
of this section or in accordance with another supplementary 5399
compensation schedule the director of administrative services 5400
considers appropriate. The supplementary compensation shall not 5401
exceed twenty per cent of the director of health's base rate of 5402
pay. 5403

(N) Notwithstanding sections 117.28, 117.30, 117.33, 117.36, 5404
117.42, and 131.02 of the Revised Code, the state shall not 5405
institute any civil action to recover and shall not seek 5406
reimbursement for overpayments made in violation of division (E) 5407
of this section or division (C) of section 9.44 of the Revised 5408
Code for the period starting after June 24, 1987, and ending on 5409
October 31, 1993. 5410

(O) Employees of the office of the treasurer of state who are 5411
exempt from collective bargaining coverage may be granted a merit 5412
pay supplement of up to one and one-half per cent of their step 5413
rate. The rate at which this supplement is granted shall be based 5414
on performance standards established by the treasurer of state. 5415
Any supplements granted under this division shall be administered 5416
on an annual basis. 5417

Sec. 124.183. (A) As used in this section, "active payroll" 5418
means when an employee is actively working; on military, worker's 5419
compensation, occupational injury, or disability leave; or on an 5420
approved leave of absence. 5421

(B) Each permanent employee paid under schedule E-1 of 5422
section 124.152 of the Revised Code who was appointed on or before 5423

March 6, 2003, and is on the active payroll as of November 14, 2004, shall receive a one-time pay supplement. The supplement shall be a two per cent lump sum payment that is based on the annualization of the top step of the pay range that the employee is in on November 14, 2004.

Each permanent employee paid under schedule E-2 of section 124.152 of the Revised Code who was appointed on or before March 6, 2003, and is on the active payroll as of November 14, 2004, shall receive a one-time pay supplement. The supplement shall be a two per cent lump sum payment that is based upon the annualization of the maximum hourly rate of the pay range that the employee is in on November 14, 2004.

(C) Each permanent employee who is exempt from collective bargaining, is not covered by division (B) of this section, was appointed on or before March 6, 2003, and is on the active payroll as of November 14, 2004, shall receive a one-time pay supplement. The supplement shall be a two per cent lump sum payment that is based upon the annualization of the base rate of the employee's pay on November 14, 2004.

(D) A part-time employee who is eligible to receive a one-time pay supplement under division (B) or (C) of this section shall have the employee's one-time pay supplement pro-rated based on the number of hours worked in the twenty-six pay periods prior to November 14, 2004.

An employee who is eligible to receive a one-time pay supplement under division (B) or (C) of this section and was on a voluntary leave of absence shall have the employee's one-time pay supplement pro-rated based on the number of hours worked in the twenty-six pay periods prior to November 14, 2004.

(E) A one-time pay supplement under this section shall be paid in the employee's first paycheck in December of 2004.

(F) Notwithstanding any provision of law to the contrary, a one-time pay supplement under this section shall not be subject to withholding for deposit into any state retirement system.

Notwithstanding any provision of law to the contrary, a one-time pay supplement under this section shall not be used for calculation purposes in determining an employee's retirement benefits in any state retirement system.

(G)(1) This section does not apply to employees of the general assembly, legislative agencies, the supreme court, or state boards or commissions.

(2) This section does not apply to employees of the secretary of state, the auditor of state, the treasurer of state, or the attorney general unless the secretary of state, the auditor of state, the treasurer of state, or the attorney general decides that the office's employees should be eligible for the one-time pay supplement and so notifies the director of administrative services in writing on or before July 1, 2004.

Sec. 125.05. Except as provided in division (E) of this section, no state agency shall purchase any supplies or services except as provided in divisions (A) to (C) of this section.

(A) Subject to division (D) of this section, a state agency may, without competitive selection, make any purchase of services that cost fifty thousand dollars or less or any purchase of supplies that cost twenty-five thousand dollars or less. The agency may make the purchase directly or may make the purchase from or through the department of administrative services, whichever the agency determines. The department shall establish written procedures to assist state agencies when they make direct purchases. If the agency makes the purchase directly, it shall make the purchase by a term contract whenever possible.

(B) ~~Subject (1) Except as provided in division (B)(2) of this section and subject~~ to division (D) of this section, a state agency wanting to purchase services that cost more than fifty thousand dollars or supplies that cost more than twenty-five thousand dollars shall, unless otherwise authorized by law, make the purchase from or through the department. The department shall make the purchase by competitive selection under section 125.07 of the Revised Code. If the director of administrative services determines that it is not possible or not advantageous to the state for the department to make the purchase, the department shall grant the agency a release and permit under section 125.06 of the Revised Code to make the purchase. Section 127.16 of the Revised Code does not apply to purchases the department makes under this section.

(2) Subject to division (D) of this section, a state agency desiring to purchase services that cost more than fifty thousand dollars or supplies that cost more than twenty-five thousand dollars shall solicit, pursuant to the competitive selection requirements specified in section 125.07 of the Revised Code, at least three bids or proposals for the services or supplies and make the purchase directly from the lowest bidder or offeror instead of from or through the department, but only if the state agency determines that it is possible to purchase the services or supplies directly from that bidder or offeror at a lower price than making the purchase from or through the department. If the agency makes a purchase pursuant to division (B)(2) of this section, it shall provide the department with written notification of the subject and amount of the purchase.

(C) An agency that has been granted a release and permit to make a purchase may make the purchase without competitive selection if after making the purchase the cumulative purchase threshold as computed under division (F) of section 127.16 of the

Revised Code would: 5517

(1) Be exceeded and the controlling board approves the 5518
purchase; or 5519

(2) Not be exceeded and the department of administrative 5520
services approves the purchase. 5521

(D) Not later than January 31, 1997, the amounts specified in 5522
divisions (A) and (B) of this section and, not later than the 5523
thirty-first day of January of each second year thereafter, any 5524
amounts computed by adjustments made under this division, shall be 5525
increased or decreased by the average percentage increase or 5526
decrease in the consumer price index prepared by the United States 5527
bureau of labor statistics (U.S. City Average for Urban Wage 5528
Earners and Clerical Workers: "All Items 1982-1984=100") for the 5529
twenty-four calendar month period prior to the immediately 5530
preceding first day of January over the immediately preceding 5531
twenty-four calendar month period, as reported by the bureau. The 5532
director of administrative services shall make this determination 5533
and adjust the appropriate amounts accordingly. 5534

(E) If the Ohio SchoolNet commission, the department of 5535
education, or the Ohio education computer network determines that 5536
it can purchase software services or supplies for specified school 5537
districts at a price less than the price for which the districts 5538
could purchase the same software services or supplies for 5539
themselves, the office, department, or network shall certify that 5540
fact to the department of administrative services and, acting as 5541
an agent for the specified school districts, shall make that 5542
purchase without following the provisions in divisions (A) to (D) 5543
of this section. 5544

Sec. 125.06. The department of administrative services may, 5545
pursuant to division (B)(1) of section 125.05 of the Revised Code 5546
and subject to such rules as the director of administrative 5547

services may adopt, issue a release and permit to ~~the~~ a state 5548
agency to secure supplies or services. A release and permit shall 5549
specify the supplies or services to which it applies, the time 5550
during which it is operative, and the reason for its issuance. A 5551
release and permit for computer services ~~shall~~ also shall specify 5552
the type of services to be rendered, and the number and type of 5553
machines to be employed, and may specify the amount of ~~such~~ the 5554
services to be performed. One copy of every release and permit 5555
shall be filed with the agency to which it is issued, and one copy 5556
shall be retained by the department. 5557

Sec. 125.07. The department of administrative services, in 5558
making a purchase by competitive selection pursuant to division 5559
(B)(1) of section 125.05 of the Revised Code, or a state agency, 5560
in making a purchase by competitive selection pursuant to division 5561
(B)(2) of section 125.02 of the Revised Code, shall give notice in 5562
the following manner: 5563

(A) The department or state agency shall advertise the 5564
intended purchases by notice that is posted by mail or electronic 5565
means and that is for the benefit of competing persons producing 5566
or dealing in the supplies or services to be purchased, including, 5567
but not limited to, the persons whose names appear on the 5568
appropriate list provided for in section 125.08 of the Revised 5569
Code. The notice may be in the form of the bid or proposal 5570
document or of a listing in a periodic bulletin, or in any other 5571
form the director of administrative services or state agency head 5572
considers appropriate to sufficiently notify qualified competing 5573
persons of the intended purchases. 5574

(B) The notice required under division (A) of this section 5575
shall include the time and place where bids or proposals will be 5576
accepted and opened, or, when bids are made in a reverse auction, 5577
the time when bids will be accepted; the conditions under which 5578

bids or proposals will be received; the terms of the proposed 5579
purchases; and an itemized list of the supplies or services to be 5580
purchased and the estimated quantities or amounts of them. 5581

(C) The posting of the notice required under division (A) of 5582
this section shall be completed by the number of days the director 5583
or state agency head determines preceding the day when the bids or 5584
proposals will be opened or accepted. 5585

(D) The department or state agency also shall maintain, in a 5586
public place in its office, a bulletin board upon which it shall 5587
post and maintain a copy of the notice required under division (A) 5588
of this section for at least the number of days the director or 5589
state agency head determines under division (C) of this section 5590
preceding the day of the opening or acceptance of the bids or 5591
proposals. The failure to so additionally post the notice shall 5592
invalidate all proceedings had and any contract entered into 5593
pursuant to the proceedings. 5594

Sec. 125.073. (A) The department of administrative services 5595
shall actively promote and accelerate the use of electronic 5596
procurement, including reverse auctions as defined by section 5597
125.072 of the Revised Code, by implementing the relevant 5598
recommendations concerning electronic procurement from the "2000 5599
Management Improvement Commission Report to the Governor" when 5600
exercising its statutory powers. 5601

(B) Beginning July 1, 2004, the department shall annually on 5602
or before the first day of July report to the committees in each 5603
house of the general assembly dealing with finance indicating the 5604
effectiveness of electronic procurement. 5605

Sec. 125.15. All state agencies required to secure any 5606
equipment, materials, supplies, or services, ~~or contracts of~~ 5607
~~insurance~~ from the department of administrative services shall 5608

make acquisition in the manner and upon forms prescribed by the 5609
director of administrative services and shall reimburse the 5610
department for the equipment, materials, supplies, or services, ~~or~~ 5611
~~contracts of insurance~~, including a reasonable sum to cover the 5612
department's administrative costs, whenever reimbursement is 5613
required by the department. The money so paid shall be deposited 5614
in the state treasury to the credit of the general services fund 5615
or the information technology fund, as appropriate. ~~Such~~ Those 5616
funds are hereby created. 5617

Sec. 125.831. As used in sections 125.831 to 125.833 of the 5618
Revised Code: 5619

(A) "Law enforcement officer" means an officer, agent, or 5620
employee of a state agency upon whom, by statute, a duty to 5621
conserve the peace or to enforce all or certain laws is imposed 5622
and the authority to arrest violators is conferred, within the 5623
limits of that statutory duty and authority. 5624

(B)(1) "Motor vehicle" means any automobile, car minivan, 5625
passenger van, sport utility vehicle, or pickup truck with a gross 5626
vehicle weight of under twelve thousand pounds. 5627

(2) "Motor vehicle" does not include any vehicle described in 5628
division (B)(1) of this section that is used by a law enforcement 5629
officer and law enforcement agency or any vehicle that is so 5630
described and that is equipped with specialized equipment that is 5631
not normally found in such a vehicle and that is used to carry out 5632
a state agency's specific and specialized duties and 5633
responsibilities. 5634

(C) "Specialized equipment" does not include standard mobile 5635
radios with no capabilities other than voice communication, 5636
exterior and interior lights, or roof-mounted caution lights. 5637

(D) "State agency" means every organized body, office, or 5638

agency established by the laws of the state for the exercise of 5639
any function of state government, other than any state-supported 5640
institution of higher education, the office of the governor, 5641
lieutenant governor, auditor of state, treasurer of state, 5642
secretary of state, or attorney general, the general assembly or 5643
any legislative agency, or the courts or any judicial agency. 5644

Sec. 125.832. (A) The department of administrative services 5645
is granted exclusive authority over the acquisition and management 5646
of all motor vehicles used by state agencies. In carrying out this 5647
authority, the department shall do both of the following: 5648

(1) Approve the purchase or lease of each motor vehicle for 5649
use by a state agency. The department shall decide if a motor 5650
vehicle shall be leased or purchased for that use. 5651

(2) Direct and approve all funds that are expended for the 5652
purchase, lease, repair, maintenance, registration, insuring, and 5653
other costs related to the possession and operation of motor 5654
vehicles for the use of state agencies. 5655

(B) The director of administrative services shall establish 5656
and operate a fleet management program. The director shall operate 5657
the program for purposes including, but not limited to, 5658
cost-effective acquisition, maintenance, management, analysis, and 5659
disposal of all motor vehicles owned or leased by the state. All 5660
state agencies shall comply with statewide fleet management 5661
policies and procedures established by the director for the 5662
program, including, but not limited to, motor vehicle assignments, 5663
additions of motor vehicles to fleets or motor vehicle 5664
replacements, motor vehicle fueling, and motor vehicle repairs. 5665

(C) The director shall establish and maintain a fleet 5666
reporting system and shall require state agencies to submit to the 5667
department information relative to state motor vehicles, to be 5668
used in operating the fleet management program. State agencies 5669

shall provide to the department fleet data and information, 5670
including, but not limited to, mileage and costs. The information 5671
shall be submitted in formats and in a manner determined by the 5672
department. 5673

(D) All state agency purchases or leases of motor vehicles 5674
are subject to the prior approval of the director under division 5675
(A)(1) of this section. 5676

(E) State agencies that utilize state motor vehicles or pay 5677
mileage reimbursements to employees shall provide a fleet plan to 5678
the department as directed by the department. 5679

(F)(1) The fleets of state agencies that consist of one 5680
hundred or less vehicles on July 1, 2004, shall be managed by the 5681
department's fleet management program on a time schedule 5682
determined by the department, unless the state agency has received 5683
delegated authority as described in division (G) of this section. 5684

(2) The fleets of state agencies that consist of greater than 5685
one hundred motor vehicles, but less than five hundred motor 5686
vehicles, on July 1, 2005, also shall be managed by the 5687
department's fleet management program on a time schedule 5688
determined by the department, unless the state agency has received 5689
delegated authority as described in division (G) of this section. 5690

(G)(1) The department may delegate any or all of its duties 5691
regarding fleet management to a state agency, if the state agency 5692
demonstrates to the satisfaction of the department both of the 5693
following: 5694

(a) Capabilities to institute and manage a fleet management 5695
program, including, but not limited to, the presence of a 5696
certified fleet manager; 5697

(b) Fleet management performance, as demonstrated by fleet 5698
data and other information submitted pursuant to annual reporting 5699
requirements and any other criteria the department considers 5700

necessary in evaluating the performance. 5701

(2) The department may determine that a state agency is not in compliance with this section and direct that the agency's fleet management duties be transferred to the department. 5702
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(H) The proceeds derived from the disposition of any motor vehicles under this section shall be paid to whichever of the following applies: 5705
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(1) The fund that originally provided moneys for the purchase or lease of the motor vehicles; 5708
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(2) If the motor vehicles were originally purchased with moneys derived from the general revenue fund, the state treasury for credit to the fleet management fund created by section 125.83 of the Revised Code. 5710
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(I)(1) The department shall create and maintain a certified fleet manager program. 5714
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(2) State agencies that have received delegated authority as described in division (G) of this section shall have a certified fleet manager. 5716
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(J) The department annually shall prepare and submit a statewide fleet report to the governor, the speaker of the house of representatives, and the president of the senate. The report shall be submitted not later than the thirty-first day of January following the end of each fiscal year. It may include, but is not limited to, the numbers and types of motor vehicles, their mileage, miles per gallon, and cost per mile, mileage reimbursements, accident and insurance data, and information regarding compliance by state agencies having delegated authority under division (G) of this section with applicable fleet management requirements. 5719
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(K) The director shall adopt rules for implementing the fleet 5730

management program that are consistent with recognized best 5731
practices. The program shall be supported by reasonable fee 5732
charges for the services provided. The director shall collect 5733
these fees and deposit them into the state treasury to the credit 5734
for the fleet management fund created by section 125.83 of the 5735
Revised Code. The setting and collection of fees under this 5736
division is not subject to any restriction imposed by law upon the 5737
director's or the department's authority to set or collect fees. 5738

(L) The director also shall adopt rules that prohibit, except 5739
in very limited circumstances, the exclusive assignment of 5740
state-owned, leased, or pooled motor vehicles to state employees. 5741
Beginning on the effective date of this section, no such motor 5742
vehicle shall be personally assigned as any form of compensation 5743
or benefit of state employment, and no such motor vehicle shall be 5744
assigned to an employee solely for commuting to and from home and 5745
work. 5746

(M) The director shall do both of the following: 5747

(1) Implement to the greatest extent possible the 5748
recommendations from the 2002 report entitled "Administrative 5749
Analysis of the Ohio Fleet Management Program" in connection with 5750
the authority granted to the department by this section; 5751

(2) Attempt to reduce the number of passenger vehicles used 5752
by state agencies during the fiscal years ending on June 30, 2004, 5753
and June 30, 2005. 5754

(N) Each state agency shall reimburse the department for all 5755
costs incurred in the assignment of motor vehicles to the state 5756
agency. 5757

(O) The director shall do all of the following in managing 5758
the fleet management program: 5759

(1) Determine how motor vehicles will be maintained, insured, 5760
operated, financed, and licensed; 5761

(2) Pursuant to the formula in division (O)(3) of this section, annually establish the minimum number of business miles per year an employee of a state agency must drive in order to qualify for approval by the department to receive a motor vehicle for business use; 5762
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(3) Establish the minimum number of business miles per year at an amount that results when the annual motor vehicle cost is divided by the amount that is the reimbursement rate per mile minus the amount that is the sum of the fuel cost, the operating cost, and the insurance cost. As used in this division: 5767
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(a) "Annual motor vehicle cost" means the price of a motor vehicle divided by the number of years an average motor vehicle is used. 5772
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(b) "Fuel cost" means the average price per gallon of motor fuel divided by the miles per gallon fuel efficiency of a motor vehicle. 5775
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(c) "Insurance cost" means the cost of insuring a motor vehicle per year divided by the number of miles an average motor vehicle is driven per year. 5778
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(d) "Operating cost" means the maintenance cost of a motor vehicle per year divided by the product resulting when the number of miles an average motor vehicle is driven per year is multiplied by the number of years an average motor vehicle is used. 5781
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(e) "Reimbursement rate per mile" means the reimbursement per mile rate for travel expenses as provided by rule of the director of budget and management adopted under division (B) of section 126.31 of the Revised Code. 5785
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Sec. 125.833. (A) There is hereby established within the department of administrative services the vehicle management commission. 5789
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5791

(B) The commission shall consist of the director of administrative services and eight other members. These other members shall be two members of the house of representatives appointed by the speaker of the house of representatives, two members of the senate appointed by the president of the senate, and four persons with experience in the vehicle leasing, purchasing, and maintenance industry in this state appointed by the governor and serving at the governor's pleasure. The governor shall appoint the commission's chairperson.

Initial appointments of the members to the commission shall be made by September 1, 2003, in the manner prescribed in this section. Thereafter, appointments of legislative members to the commission shall be made within fifteen days after the commencement of the first regular session of the general assembly in the manner prescribed in this section. The terms of legislative members on the commission shall be for the duration of the session of the general assembly in which they are appointed; they shall continue to serve on the commission until the appointments are made in the following session of the general assembly, unless they cease to be members of the general assembly. A vacancy on the commission shall be filled for the unexpired term in the same manner as the original appointment.

(C) The commission shall periodically review the implementation of the fleet management program by the department of administrative services under section 125.832 of the Revised Code and may recommend to the department and the general assembly modifications to the department's procedures and functions and other statutory changes.

Sec. 125.91. As used in sections 125.92 to 125.98 of the Revised Code:

(A) "State agency" includes every department, bureau, board,

commission, office, or other organized body established by the 5823
constitution and laws of the state for the exercise of any 5824
function of state government, but does not include any 5825
state-supported institution of higher education, the general 5826
assembly or any legislative agency, the attorney general, the 5827
auditor of state, the secretary of state, the treasurer of state, 5828
the bureau of workers' compensation, any court or judicial agency, 5829
or any political subdivision or agency ~~thereof~~ of a political 5830
subdivision. 5831

(B) "Form" means any document, device, or item used to convey 5832
information, regardless of medium, that has blank spaces for the 5833
insertion of information and that may have a predetermined format 5834
and data elements to guide the entry, ~~interpretation~~ 5835
interpretation, and use of the information. "Form" does not 5836
include letterheads, envelopes, labels, tags, tickets, or note 5837
pads, or forms mandated by the federal government, but does 5838
include all computer-generated forms except those mandated by the 5839
federal government. ~~As used in sections 125.931 to 125.935 of the~~ 5840
~~Revised Code, "form" applies only to a form that is used by a~~ 5841
~~state agency and that is completed in whole or in part by private~~ 5842
~~business, political subdivisions, or the public.~~ 5843

Sec. 125.92. There is hereby established in the department of 5844
administrative services a state forms management ~~control center~~ 5845
program, which shall be under the control and supervision of the 5846
director of administrative services, ~~who shall appoint an~~ 5847
~~administrator of the center~~ or the director's designee. 5848

The ~~center~~ state forms management program shall develop, 5849
~~implement, and maintain a statewide forms management program that~~ 5850
~~involves~~ be developed, implemented, and maintained for all state 5851
agencies and ~~is~~ be designed to simplify, consolidate, or 5852
eliminate, when expedient, forms, surveys, and other documents 5853

used by state agencies. In developing the program, particular 5854
emphasis shall be placed upon determining the actual need for any 5855
information, records, and reports sought from private business, 5856
agriculture, and local governments through the use of ~~such~~ forms, 5857
surveys, and other documents. 5858

Sec. 125.93. The state forms management ~~control center~~ 5859
program shall do each of the following: 5860

(A) Assist state agencies in establishing internal forms 5861
management capabilities; 5862

(B) Study, develop, coordinate, and initiate forms of 5863
interagency and common administrative usage, and establish basic 5864
design and specification criteria to standardize state forms; 5865

(C) Assist state agencies to design economical forms ~~and~~ 5866
~~compose art work for forms;~~ 5867

(D) ~~Establish and supervise control procedures to prevent the~~ 5868
~~undue creation and reproduction of state forms;~~ 5869

~~(E)~~ Assist, train, and instruct state agencies and their 5870
forms management representatives in forms management techniques, 5871
and provide direct forms management assistance to new state 5872
agencies as they are created; 5873

~~(F)~~(E) Maintain a central ~~cross index~~ forms repository of all 5874
state forms to facilitate standardization of the forms, eliminate 5875
redundant forms, and provide a central source of information on 5876
forms usage and availability; 5877

~~(G)~~ Utilize existing functions within the department of 5878
~~administrative services to design economical forms and compose art~~ 5879
~~work, as well as use appropriate procurement techniques to take~~ 5880
~~advantage of competitive selection, consolidated orders, and~~ 5881
~~contract procurement of forms;~~ 5882

~~(H)~~ Conduct an annual evaluation of the effectiveness of the 5883

~~forms management program and the forms management practices of~~ 5884
~~individual state agencies, and maintain records that indicate~~ 5885
~~dollar savings resulting from, and the number of forms eliminated,~~ 5886
~~simplified, or standardized through, centralized forms management.~~ 5887
~~The results of the evaluation shall be reported to the speaker of~~ 5888
~~the house of representatives and president of the senate not later~~ 5889
~~than the fifteenth day of January each year. The center shall~~ 5890
~~report on the first day of each month to the state records~~ 5891
~~administrator on its activities during the preceding month.~~ 5892

Sec. 125.95. (A) ~~The administrator of the state forms~~ 5893
~~management control center program~~ may permit any state agency to 5894
manage fully any forms used or proposed to be used by it, whenever 5895
the ~~administrator~~ program determines that the delegation will 5896
result in the most timely and economical method of accomplishing 5897
the objectives of the ~~forms management~~ program as set forth in 5898
section 125.93 of the Revised Code. A determination to delegate to 5899
a state agency authority to manage forms may, among other matters, 5900
take into consideration the benefits of central management of any 5901
form in relation to the costs associated with ~~such~~ that 5902
management. 5903

(B) To expedite the collection and disposition of general 5904
state and local revenue, the ~~administrator~~ state forms management 5905
program shall permit, without prior authorization, the tax 5906
commissioner to design, print or have printed, distribute, and 5907
require the use of those forms ~~which~~ that the tax commissioner 5908
determines are necessary for the proper administration of those 5909
taxes and programs ~~he~~ the tax commissioner administers except as 5910
provided in division (A) of section 4307.05 of the Revised Code. 5911
The tax commissioner shall report to the ~~administrator~~ program not 5912
later than fifteen days after the close of each calendar quarter 5913
with respect to the forms activities occurring within ~~his~~ the tax 5914
commissioner's agency during the preceding calendar quarter. 5915

Sec. 125.96. The director of administrative services may 5916
adopt, amend, or rescind rules necessary to carry out the powers 5917
and duties imposed upon the state forms management ~~control center~~ 5918
~~and its administrator~~ program and state agencies by sections 5919
125.92 to 125.98 of the Revised Code. The director shall adopt, 5920
and may amend or rescind, rules providing ~~that~~ each of the 5921
following: 5922

(A) After a date to be determined by the ~~administrator~~ state 5923
forms management program, no state agency shall utilize any form, 5924
other than a form subject to division (B) of section 125.95 of the 5925
Revised Code, the management of which has not been delegated to 5926
the agency by the ~~administrator~~ program under division (A) of that 5927
section ~~125.95 of the Revised Code~~ or ~~that has not~~ been approved 5928
by the ~~center~~ program. 5929

(B) The notice required by section 125.97 of the Revised Code 5930
shall appear in a standard place and a standard manner on each 5931
form to which the notice applies, and shall include specified 5932
indicia of approval by the ~~administrator~~ state forms management 5933
program. 5934

(C) Any form required by a state agency on an emergency basis 5935
may be given interim approval by the ~~administrator~~ state forms 5936
management program if the form is accompanied by a letter from the 5937
director or other head of the agency setting forth the nature of 5938
the emergency and requesting interim approval. 5939

Sec. 125.98. (A) Each state agency shall appoint a forms 5940
management representative, who may be from existing personnel. The 5941
appointee shall cooperate with, and provide other necessary 5942
assistance to, the director of administrative services and the 5943
~~administrator of the~~ state forms management ~~control center~~ program 5944
in implementing the ~~state forms management~~ program. A forms 5945

management representative shall do all of the following: 5946

(1) Manage the agency's forms management program and 5947
cooperate with and provide other necessary assistance to the 5948
director of administrative services in implementing the state 5949
forms management program; 5950

(2) Monitor the use and reproduction of all forms to ensure 5951
that all policies, procedures, guidelines, and standards 5952
established by the agency and the director of administrative 5953
services are followed; 5954

(3) Ensure that every form used by the agency is presented to 5955
the state forms management ~~control center~~ program for registration 5956
prior to its reproduction; 5957

(4) Maintain a master forms file history file, in numeric 5958
order, of all agency forms; 5959

(5) Verify and update the information on all forms ~~computer~~ 5960
~~file reports returned to the agency by the state forms management~~ 5961
~~control center~~ in the central forms repository database. 5962

(B) Any state agency, as ~~such term is~~ defined in section 1.60 5963
of the Revised Code, not included within the definition of a state 5964
agency in section 125.91 of the Revised Code may elect to 5965
participate in the state forms management program. The ~~center~~ 5966
program may provide to any such agency any service required or 5967
authorized by sections 125.92 to 125.98 of the Revised Code to be 5968
performed for a state agency. 5969

Sec. 127.16. (A) Upon the request of either a state agency or 5970
the director of budget and management and after the controlling 5971
board determines that an emergency or a sufficient economic reason 5972
exists, the controlling board may approve the making of a purchase 5973
without competitive selection as provided in division (B) of this 5974
section. 5975

(B) Except as otherwise provided in this section, no state agency, using money that has been appropriated to it directly, shall:

(1) Make any purchase from a particular supplier, that would amount to fifty thousand dollars or more when combined with both the amount of all disbursements to the supplier during the fiscal year for purchases made by the agency and the amount of all outstanding encumbrances for purchases made by the agency from the supplier, unless the purchase is made by competitive selection or with the approval of the controlling board;

(2) Lease real estate from a particular supplier, if the lease would amount to seventy-five thousand dollars or more when combined with both the amount of all disbursements to the supplier during the fiscal year for real estate leases made by the agency and the amount of all outstanding encumbrances for real estate leases made by the agency from the supplier, unless the lease is made by competitive selection or with the approval of the controlling board.

(C) Any person who authorizes a purchase in violation of division (B) of this section shall be liable to the state for any state funds spent on the purchase, and the attorney general shall collect the amount from the person.

(D) Nothing in division (B) of this section shall be construed as:

(1) A limitation upon the authority of the director of transportation as granted in sections 5501.17, 5517.02, and 5525.14 of the Revised Code;

(2) Applying to medicaid provider agreements under Chapter 5111. of the Revised Code or payments or provider agreements under the disability ~~assistance~~ medical assistance program established under Chapter 5115. of the Revised Code;

(3) Applying to the purchase of examinations from a sole 6007
supplier by a state licensing board under Title XLVII of the 6008
Revised Code; 6009

(4) Applying to entertainment contracts for the Ohio state 6010
fair entered into by the Ohio expositions commission, provided 6011
that the controlling board has given its approval to the 6012
commission to enter into such contracts and has approved a total 6013
budget amount for such contracts as agreed upon by commission 6014
action, and that the commission causes to be kept itemized records 6015
of the amounts of money spent under each contract and annually 6016
files those records with the clerk of the house of representatives 6017
and the clerk of the senate following the close of the fair; 6018

(5) Limiting the authority of the chief of the division of 6019
mineral resources management to contract for reclamation work with 6020
an operator mining adjacent land as provided in section 1513.27 of 6021
the Revised Code; 6022

(6) Applying to investment transactions and procedures of any 6023
state agency, except that the agency shall file with the board the 6024
name of any person with whom the agency contracts to make, broker, 6025
service, or otherwise manage its investments, as well as the 6026
commission, rate, or schedule of charges of such person with 6027
respect to any investment transactions to be undertaken on behalf 6028
of the agency. The filing shall be in a form and at such times as 6029
the board considers appropriate. 6030

(7) Applying to purchases made with money for the per cent 6031
for arts program established by section 3379.10 of the Revised 6032
Code; 6033

(8) Applying to purchases made by the rehabilitation services 6034
commission of services, or supplies, that are provided to persons 6035
with disabilities, or to purchases made by the commission in 6036
connection with the eligibility determinations it makes for 6037

applicants of programs administered by the social security administration;	6038 6039
(9) Applying to payments by the department of job and family services under section 5111.13 of the Revised Code for group health plan premiums, deductibles, coinsurance, and other cost-sharing expenses;	6040 6041 6042 6043
(10) Applying to any agency of the legislative branch of the state government;	6044 6045
(11) Applying to agreements or contracts entered into under section 5101.11, <u>5101.20</u> , <u>5101.201</u> , 5101.21, or 5101.211 <u>5101.214</u> of the Revised Code;	6046 6047 6048
(12) Applying to purchases of services by the adult parole authority under section 2967.14 of the Revised Code or by the department of youth services under section 5139.08 of the Revised Code;	6049 6050 6051 6052
(13) Applying to dues or fees paid for membership in an organization or association;	6053 6054
(14) Applying to purchases of utility services pursuant to section 9.30 of the Revised Code;	6055 6056
(15) Applying to purchases made in accordance with rules adopted by the department of administrative services of motor vehicle, aviation, or watercraft fuel, or emergency repairs of such vehicles;	6057 6058 6059 6060
(16) Applying to purchases of tickets for passenger air transportation;	6061 6062
(17) Applying to purchases necessary to provide public notifications required by law or to provide notifications of job openings;	6063 6064 6065
(18) Applying to the judicial branch of state government;	6066
(19) Applying to purchases of liquor for resale by the	6067

division of liquor control;	6068
(20) Applying to purchases of motor courier and freight services made in accordance with department of administrative services rules;	6069 6070 6071
(21) Applying to purchases from the United States postal service and purchases of stamps and postal meter replenishment from vendors at rates established by the United States postal service;	6072 6073 6074 6075
(22) Applying to purchases of books, periodicals, pamphlets, newspapers, maintenance subscriptions, and other published materials;	6076 6077 6078
(23) Applying to purchases from other state agencies, including state-assisted institutions of higher education;	6079 6080
(24) Limiting the authority of the director of environmental protection to enter into contracts under division (D) of section 3745.14 of the Revised Code to conduct compliance reviews, as defined in division (A) of that section;	6081 6082 6083 6084
(25) Applying to purchases from a qualified nonprofit agency pursuant to sections 4115.31 to 4115.35 of the Revised Code;	6085 6086
(26) Applying to payments by the department of job and family services to the United States department of health and human services for printing and mailing notices pertaining to the tax refund offset program of the internal revenue service of the United States department of the treasury;	6087 6088 6089 6090 6091
(27) Applying to contracts entered into by the department of mental retardation and developmental disabilities under sections 5123.18, 5123.182, and 5111.252 <u>5123.199</u> of the Revised Code;	6092 6093 6094
(28) Applying to payments made by the department of mental health under a physician recruitment program authorized by section 5119.101 of the Revised Code;	6095 6096 6097

(29) Applying to contracts entered into with persons by the 6098
director of commerce for unclaimed funds collection and remittance 6099
efforts as provided in division (F) of section 169.03 of the 6100
Revised Code. The director shall keep an itemized accounting of 6101
unclaimed funds collected by those persons and amounts paid to 6102
them for their services. 6103

(30) Applying to purchases made by a state institution of 6104
higher education in accordance with the terms of a contract 6105
between the vendor and an inter-university purchasing group 6106
comprised of purchasing officers of state institutions of higher 6107
education; 6108

(31) Applying to the department of job and family services' 6109
purchases of health assistance services under the children's 6110
health insurance program part I provided for under section 5101.50 6111
of the Revised Code or the children's health insurance program 6112
part II provided for under section 5101.51 of the Revised Code; 6113

(32) Applying to payments by the attorney general from the 6114
reparations fund to hospitals and other emergency medical 6115
facilities for performing medical examinations to collect physical 6116
evidence pursuant to section 2907.28 of the Revised Code; 6117

(33) Applying to contracts with a contracting authority or 6118
administrative receiver under division (G)(2) of section 5126.055 6119
of the Revised Code; 6120

(34) Applying to reimbursements paid to the United States 6121
department of veterans affairs for pharmaceutical and patient 6122
supply purchases made on behalf of the Ohio veterans' home agency. 6123

(E) Notwithstanding division (B)(1) of this section, the 6124
cumulative purchase threshold shall be seventy-five thousand 6125
dollars for the departments of mental retardation and 6126
developmental disabilities, mental health, rehabilitation and 6127
correction, and youth services. 6128

(F) When determining whether a state agency has reached the cumulative purchase thresholds established in divisions (B)(1), (B)(2), and (E) of this section, all of the following purchases by such agency shall not be considered:

(1) Purchases made through competitive selection or with controlling board approval;

(2) Purchases listed in division (D) of this section;

(3) For the purposes of the thresholds of divisions (B)(1) and (E) of this section only, leases of real estate.

(G) As used in this section, "competitive selection," "purchase," "supplies," and "services" have the same meanings as in section 125.01 of the Revised Code.

Sec. 131.02. (A) Whenever any amount is payable to the state, the officer, employee, or agent responsible for administering the law under which the amount is payable shall immediately proceed to collect the amount or cause the amount to be collected and shall pay the amount into the state treasury or into the appropriate custodial fund in the manner set forth pursuant to section 113.08 of the Revised Code. If the amount is not paid within forty-five days after payment is due, the officer, employee, or agent shall certify the amount due to the attorney general, in the form and manner prescribed by the attorney general, and notify the director of budget and management thereof. The attorney general may assess the collection cost to the amount certified in such manner and amount as prescribed by the attorney general.

(B)(1) The attorney general shall give immediate notice by mail or otherwise to the party indebted of the nature and amount of the indebtedness.

(2) If the amount payable to this state arises from a tax levied under Chapter 5733., 5739., 5741., or 5747. of the Revised

Code, the notice also shall specify all of the following: 6159

(a) The assessment or case number; 6160

(b) The tax pursuant to which the assessment is made; 6161

(c) The reason for the liability, including, if applicable, 6162
that a penalty or interest is due; 6163

(d) An explanation of how and when interest will be added to 6164
the amount assessed; 6165

(e) That the attorney general and tax commissioner, acting 6166
together, have the authority, but are not required, to compromise 6167
the claim and accept payment over a reasonable time, if such 6168
actions are in the best interest of the state. 6169

(C) The attorney general shall collect the claim or secure a 6170
judgment and issue an execution for its collection. 6171

(D) Each claim shall bear interest, from the day on which the 6172
claim became due, at the ~~base rate per annum for advances and~~ 6173
~~discounts to member banks in effect at the federal reserve bank in~~ 6174
~~required by section 5703.47 of the second federal reserve district~~ 6175
Revised Code. 6176

(E) The attorney general and the chief officer of the agency 6177
reporting a claim, acting together, may do ~~either or both~~ any of 6178
the following if such action is in the best interests of the 6179
state: 6180

(1) Compromise the claim; 6181

(2) Extend for a reasonable period the time for payment of 6182
the claim by agreeing to accept monthly or other periodic 6183
payments. The agreement may require security for payment of the 6184
claim. 6185

(3) Add fees to recover the cost of processing checks or 6186
other draft instruments returned for insufficient funds and the 6187
cost of providing electronic payment options. 6188

Sec. 131.23. The various political subdivisions of this state 6189
may issue bonds, and any indebtedness created by such issuance 6190
shall not be subject to the limitations or included in the 6191
calculation of indebtedness prescribed by sections 133.05, 133.06, 6192
133.07, and 133.09 of the Revised Code, but such bonds may be 6193
issued only under the following conditions: 6194

(A) The subdivision desiring to issue such bonds shall obtain 6195
from the county auditor a certificate showing the total amount of 6196
delinquent taxes due and unpayable to such subdivision at the last 6197
semiannual tax settlement. 6198

(B) The fiscal officer of that subdivision shall prepare a 6199
statement, from the books of the subdivision, verified by ~~him~~ the 6200
fiscal officer under oath, which shall contain the following facts 6201
of such subdivision: 6202

(1) The total bonded indebtedness; 6203

(2) The aggregate amount of notes payable or outstanding 6204
accounts of the subdivision, incurred prior to the commencement of 6205
the current fiscal year, which shall include all evidences of 6206
indebtedness issued by the subdivision except notes issued in 6207
anticipation of bond issues and the indebtedness of any 6208
nontax-supported public utility; 6209

(3) Except in the case of school districts, the aggregate 6210
current year's requirement for disability financial assistance and 6211
disability medical assistance provided under Chapter 5115. of the 6212
Revised Code that the subdivision is unable to finance except by 6213
the issue of bonds; 6214

(4) The indebtedness outstanding through the issuance of any 6215
bonds or notes pledged or obligated to be paid by any delinquent 6216
taxes; 6217

(5) The total of any other indebtedness; 6218

(6) The net amount of delinquent taxes unpledged to pay any 6219
bonds, notes, or certificates, including delinquent assessments on 6220
improvements on which the bonds have been paid; 6221

(7) The budget requirements for the fiscal year for bond and 6222
note retirement; 6223

(8) The estimated revenue for the fiscal year. 6224

(C) The certificate and statement provided for in divisions 6225
(A) and (B) of this section shall be forwarded to the tax 6226
commissioner together with a request for authority to issue bonds 6227
of such subdivision in an amount not to exceed seventy per cent of 6228
the net unobligated delinquent taxes and assessments due and owing 6229
to such subdivision, as set forth in division (B)(6) of this 6230
section. 6231

(D) No subdivision may issue bonds under this section in 6232
excess of a sufficient amount to pay the indebtedness of the 6233
subdivision as shown by division (B)(2) of this section and, 6234
except in the case of school districts, to provide funds for 6235
disability financial assistance and disability medical assistance, 6236
as shown by division (B)(3) of this section. 6237

(E) The tax commissioner shall grant to such subdivision 6238
authority requested by such subdivision as restricted by divisions 6239
(C) and (D) of this section and shall make a record of the 6240
certificate, statement, and grant in a record book devoted solely 6241
to such recording and which shall be open to inspection by the 6242
public. 6243

(F) The commissioner shall immediately upon issuing the 6244
authority provided in division (E) of this section notify the 6245
proper authority having charge of the retirement of bonds of such 6246
subdivision by forwarding a copy of such grant of authority and of 6247
the statement provided for in division (B) of this section. 6248

(G) Upon receipt of authority, the subdivision shall proceed 6249
according to law to issue the amount of bonds authorized by the 6250
commissioner, and authorized by the taxing authority, provided the 6251
taxing authority of that subdivision may by resolution submit to 6252
the electors of that subdivision the question of issuing such 6253
bonds. Such resolution shall make the declarations and statements 6254
required by section 133.18 of the Revised Code. The county auditor 6255
and taxing authority shall thereupon proceed as set forth in 6256
divisions (C) and (D) of such section. The election on the 6257
question of issuing such bonds shall be held under divisions (E), 6258
(F), and (G) of such section, except that publication of the 6259
notice of such election shall be made on four separate days prior 6260
to such election in one or more newspapers of general circulation 6261
in the subdivisions. Such bonds may be exchanged at their face 6262
value with creditors of the subdivision in liquidating the 6263
indebtedness described and enumerated in division (B)(2) of this 6264
section or may be sold as provided in Chapter 133. of the Revised 6265
Code, and in either event shall be uncontestable. 6266

(H) The per cent of delinquent taxes and assessments 6267
collected for and to the credit of the subdivision after the 6268
exchange or sale of bonds as certified by the commissioner shall 6269
be paid to the authority having charge of the sinking fund of the 6270
subdivision, which money shall be placed in a separate fund for 6271
the purpose of retiring the bonds so issued. The proper authority 6272
of the subdivisions shall provide for the levying of a tax 6273
sufficient in amount to pay the debt charges on all such bonds 6274
issued under this section. 6275

(I) This section is for the sole purpose of assisting the 6276
various subdivisions in paying their unsecured indebtedness, and 6277
providing funds for disability financial assistance and disability 6278
medical assistance. The bonds issued under authority of this 6279
section shall not be used for any other purpose and any exchange 6280

for other purposes, or the use of the money derived from the sale 6281
of such bonds by the subdivision for any other purpose, is 6282
misapplication of funds. 6283

(J) The bonds authorized by this section shall be redeemable 6284
or payable in not to exceed ten years from date of issue and shall 6285
not be subject to or considered in calculating the net 6286
indebtedness of the subdivision. The budget commission of the 6287
county in which the subdivision is located shall annually allocate 6288
such portion of the then delinquent levy due such subdivision 6289
which is unpledged for other purposes to the payment of debt 6290
charges on the bonds issued under authority of this section. 6291

(K) The issue of bonds under this section shall be governed 6292
by Chapter 133. of the Revised Code, respecting the terms used, 6293
forms, manner of sale, and redemption except as otherwise provided 6294
in this section. 6295

The board of county commissioners of any county may issue 6296
bonds authorized by this section and distribute the proceeds of 6297
such bond issues to any or all of the cities and townships of such 6298
counties, according to their relative needs for disability 6299
financial assistance and disability medical assistance as 6300
determined by such county. 6301

All sections of the Revised Code inconsistent with or 6302
prohibiting the exercise of the authority conferred by this 6303
section are inoperative respecting bonds issued under this 6304
section. 6305

Sec. 131.35. (A) With respect to the federal funds received 6306
into any fund of the state from which transfers may be made under 6307
division (D) of section 127.14 of the Revised Code: 6308

(1) No state agency may make expenditures of any federal 6309
funds, whether such funds are advanced prior to expenditure or as 6310

reimbursement, unless such expenditures are made pursuant to 6311
specific appropriations of the general assembly ~~identifying the~~ 6312
~~federal program that is the source of funds, are authorized~~ 6313
~~pursuant to section 131.38 of the Revised Code, are authorized by~~ 6314
the controlling board pursuant to division (A)(5) of this section, 6315
or are authorized by an executive order issued in accordance with 6316
section 107.17 of the Revised Code, and until an allotment has 6317
been approved by the director of budget and management. All 6318
federal funds received by a state agency shall be reported to the 6319
director within fifteen days of the receipt of such funds or the 6320
notification of award, whichever occurs first. The director shall 6321
prescribe the forms and procedures to be used when reporting the 6322
receipt of federal funds. 6323

(2) If the federal funds received are greater than the amount 6324
of such funds appropriated by the general assembly for a specific 6325
purpose, the total appropriation of federal and state funds for 6326
such purpose shall remain at the amount designated by the general 6327
assembly, except that the expenditure of federal funds received in 6328
excess of such specific appropriation may be authorized by the 6329
controlling board. 6330

(3) To the extent that the expenditure of excess federal 6331
funds is authorized, the controlling board may transfer a like 6332
amount of general revenue fund appropriation authority from the 6333
affected agency to the emergency purposes appropriation of the 6334
controlling board, if such action is permitted under federal 6335
regulations. 6336

(4) Additional funds may be created by the controlling board 6337
to receive revenues not anticipated in an appropriations act for 6338
the biennium in which such new revenues are received. Expenditures 6339
from such additional funds may be authorized by the controlling 6340
board, but such authorization shall not extend beyond the end of 6341
the biennium in which such funds are created. 6342

(5) Controlling board authorization for a state agency to 6343
make an expenditure of federal funds constitutes authority for the 6344
agency to participate in the federal program providing the funds, 6345
and the agency is not required to obtain an executive order under 6346
section 107.17 of the Revised Code to participate in the federal 6347
program. 6348

(B) With respect to nonfederal funds received into the 6349
waterways safety fund, the wildlife fund, and any fund of the 6350
state from which transfers may be made under division (D) of 6351
section 127.14 of the Revised Code: 6352

(1) No state agency may make expenditures of any such funds 6353
unless the expenditures are made pursuant to specific 6354
appropriations of the general assembly. 6355

(2) If the receipts received into any fund are greater than 6356
the amount appropriated, the appropriation for that fund shall 6357
remain at the amount designated by the general assembly or as 6358
increased and approved by the controlling board. 6359

(3) Additional funds may be created by the controlling board 6360
to receive revenues not anticipated in an appropriations act for 6361
the biennium in which such new revenues are received. Expenditures 6362
from such additional funds may be authorized by the controlling 6363
board, but such authorization shall not extend beyond the end of 6364
the biennium in which such funds are created. 6365

(C) The controlling board shall not authorize more than ten 6366
per cent of additional spending from the occupational licensing 6367
and regulatory fund, created in section 4743.05 of the Revised 6368
Code, in excess of any appropriation made by the general assembly 6369
to a licensing agency except an appropriation for costs related to 6370
the examination or reexamination of applicants for a license. As 6371
used in this division, "licensing agency" and "license" have the 6372
same meanings as in section 4745.01 of the Revised Code. 6373

Sec. 131.41. There is hereby created in the state treasury 6374
the family services stabilization fund. The fund shall consist of 6375
moneys deposited into it pursuant to acts of the general assembly. 6376
The director of budget and management, with advice from the 6377
director of job and family services, may transfer moneys in the 6378
family services stabilization fund to the general revenue fund for 6379
the department of job and family services. Moneys may be 6380
transferred due to identified shortfalls for family services 6381
activities, such as higher caseloads, federal funding changes, and 6382
unforeseen costs due to significant state policy changes. Before 6383
transfers are authorized, the director of budget and management 6384
shall exhaust the possibilities for transfers of moneys within the 6385
department of job and family services to meet the identified 6386
shortfall. Transfers shall not be used to fund policy changes not 6387
contemplated by acts of the general assembly. Any investment 6388
earnings of the family services stabilization fund shall be 6389
credited to that fund. 6390

Sec. 145.38. (A) As used in this section and ~~section~~ sections 6391
145.381 and 145.384 of the Revised Code: 6392

(1) "PERS retirant" means a former member of the public 6393
employees retirement system who is receiving one of the following: 6394

(a) Age and service retirement benefits under section 145.32, 6395
145.33, 145.331, 145.34, or 145.46 of the Revised Code; 6396

(b) Age and service retirement benefits paid by the public 6397
employees retirement system under section 145.37 of the Revised 6398
Code; 6399

(c) Any benefit paid under a PERS defined contribution plan. 6400

(2) "Other system retirant" means both of the following: 6401

(a) A member or former member of the Ohio police and fire 6402

pension fund, state teachers retirement system, school employees 6403
retirement system, state highway patrol retirement system, or 6404
Cincinnati retirement system who is receiving age and service or 6405
commuted age and service retirement benefits or a disability 6406
benefit from a system of which the person is a member or former 6407
member; 6408

(b) A member or former member of the public employees 6409
retirement system who is receiving age and service retirement 6410
benefits or a disability benefit under section 145.37 of the 6411
Revised Code paid by the school employees retirement system or the 6412
state teachers retirement system. 6413

(B)(1) Subject to this section and section 145.381 of the 6414
Revised Code, a PERS retirant or other system retirant may be 6415
employed by a public employer. If so employed, the PERS retirant 6416
or other system retirant shall contribute to the public employees 6417
retirement system in accordance with section 145.47 of the Revised 6418
Code, and the employer shall make contributions in accordance with 6419
section 145.48 of the Revised Code. 6420

(2) A public employer that employs a PERS retirant or other 6421
system retirant, or enters into a contract for services as an 6422
independent contractor with a PERS retirant shall notify the 6423
retirement board of the employment or contract not later than the 6424
end of the month in which the employment or contract commences. 6425
Any overpayment of benefits to a PERS retirant by the retirement 6426
system resulting from delay or failure of the employer to give the 6427
notice shall be repaid to the retirement system by the employer. 6428

(3) On receipt of notice from a public employer that a person 6429
who is an other system retirant has been employed, the retirement 6430
system shall notify the retirement system of which the other 6431
system retirant was a member of such employment. 6432

(4)(a) A PERS retirant who has received a retirement 6433

allowance for less than two months when employment subject to this 6434
section commences shall forfeit the retirement allowance for any 6435
month the PERS retirant is employed prior to the expiration of the 6436
two-month period. Service and contributions for that period shall 6437
not be included in calculation of any benefits payable to the PERS 6438
retirant and those contributions shall be refunded on the 6439
retirant's death or termination of the employment. 6440

(b) An other system retirant who has received a retirement 6441
allowance or disability benefit for less than two months when 6442
employment subject to this section commences shall forfeit the 6443
retirement allowance or disability benefit for any month the other 6444
system retirant is employed prior to the expiration of the 6445
two-month period. Service and contributions for that period shall 6446
not be included in the calculation of any benefits payable to the 6447
other system retirant and those contributions shall be refunded on 6448
the retirant's death or termination of the employment. 6449

(c) Contributions made on compensation earned after the 6450
expiration of the two-month period shall be used in the 6451
calculation of the benefit or payment due under section 145.384 of 6452
the Revised Code. 6453

(5) On receipt of notice from the Ohio police and fire 6454
pension fund, school employees retirement system, or state 6455
teachers retirement system of the re-employment of a PERS 6456
retirant, the public employees retirement system shall not pay, or 6457
if paid, shall recover, the amount to be forfeited by the PERS 6458
retirant in accordance with section 742.26, 3307.35, or 3309.341 6459
of the Revised Code. 6460

(6) A PERS retirant who enters into a contract to provide 6461
services as an independent contractor to the employer by which the 6462
retirant was employed at the time of retirement or, less than two 6463
months after the retirement allowance commences, begins providing 6464
services as an independent contractor pursuant to a contract with 6465

another public employer, shall forfeit the pension portion of the 6466
retirement benefit for the period beginning the first day of the 6467
month following the month in which the services begin and ending 6468
on the first day of the month following the month in which the 6469
services end. The annuity portion of the retirement allowance 6470
shall be suspended on the day services under the contract begin 6471
and shall accumulate to the credit of the retirant to be paid in a 6472
single payment after services provided under the contract 6473
terminate. A PERS retirant subject to division (B)(6) of this 6474
section shall not contribute to the retirement system and shall 6475
not become a member of the system. 6476

(7) As used in this division, "employment" includes service 6477
for which a PERS retirant or other system retirant, the retirant's 6478
employer, or both, have waived any earnable salary for the 6479
service. 6480

(C)(1) Except as provided in division (C)(3) of this section, 6481
this division applies to both of the following: 6482

(a) A PERS retirant who, prior to September 14, 2000, was 6483
subject to division (C)(1)(b) of this section as that division 6484
existed immediately prior to September 14, 2000, and has not 6485
elected pursuant to Am. Sub. S.B. 144 of the 123rd general 6486
assembly to cease to be subject to that division; 6487

(b) A PERS retirant to whom both of the following apply: 6488

(i) The retirant held elective office in this state, or in 6489
any municipal corporation, county, or other political subdivision 6490
of this state at the time of retirement under this chapter. 6491

(ii) The retirant was elected or appointed to the same office 6492
for the remainder of the term or the term immediately following 6493
the term during which the retirement occurred. 6494

(2) A PERS retirant who is subject to this division is a 6495
member of the public employees retirement system with all the 6496

rights, privileges, and obligations of membership, except that the 6497
membership does not include survivor benefits provided pursuant to 6498
section 145.45 of the Revised Code or, beginning on the ninetieth 6499
day after September 14, 2000, any amount calculated under section 6500
145.401 of the Revised Code. The pension portion of the PERS 6501
retirant's retirement allowance shall be forfeited until the first 6502
day of the first month following termination of the employment. 6503
The annuity portion of the retirement allowance shall accumulate 6504
to the credit of the PERS retirant to be paid in a single payment 6505
after termination of the employment. The retirement allowance 6506
shall resume on the first day of the first month following 6507
termination of the employment. On termination of the employment, 6508
the PERS retirant shall elect to receive either a refund of the 6509
retirant's contributions to the retirement system during the 6510
period of employment subject to this section or a supplemental 6511
retirement allowance based on the retirant's contributions and 6512
service credit for that period of employment. 6513

(3) This division does not apply to any of the following: 6514

(a) A PERS retirant elected to office who, at the time of the 6515
election for the retirant's current term, was not retired but, not 6516
less than ninety days prior to the primary election for the term 6517
or the date on which a primary for the term would have been held, 6518
filed a written declaration of intent to retire before the end of 6519
the term with the board of elections of the county in which 6520
petitions for nomination or election to the office ~~were~~ are filed; 6521

(b) A PERS retirant elected to office who, at the time of the 6522
election for the retirant's current term, was a retirant and had 6523
been retired for not less than ninety days; 6524

(c) A PERS retirant appointed to office who, at the time of 6525
appointment to the retirant's current term, notified the person or 6526
entity making the appointment that the retirant was already 6527
retired or intended to retire before the end of the term. 6528

(D)(1) Except as provided in division (C) of this section, a PERS retirant or other system retirant subject to this section is not a member of the public employees retirement system, and, except as specified in this section does not have any of the rights, privileges, or obligations of membership. Except as specified in division (D)(2) of this section, the retirant is not eligible to receive health, medical, hospital, or surgical benefits under section 145.58 of the Revised Code for employment subject to this section.

(2) A PERS retirant subject to this section shall receive primary health, medical, hospital, or surgical insurance coverage from the retirant's employer, if the employer provides coverage to other employees performing comparable work. Neither the employer nor the PERS retirant may waive the employer's coverage, except that the PERS retirant may waive the employer's coverage if the retirant has coverage comparable to that provided by the employer from a source other than the employer or the public employees retirement system. If a claim is made, the employer's coverage shall be the primary coverage and shall pay first. The benefits provided under section 145.58 of the Revised Code shall pay only those medical expenses not paid through the employer's coverage or coverage the PERS retirant receives through a source other than the retirement system.

(E) If the disability benefit of an other system retirant employed under this section is terminated, the retirant shall become a member of the public employees retirement system, effective on the first day of the month next following the termination with all the rights, privileges, and obligations of membership. If such person, after the termination of the disability benefit, earns two years of service credit under this system or under the Ohio police and fire pension fund, state teachers retirement system, school employees retirement system, or

state highway patrol retirement system, the person's prior 6561
contributions as an other system retirant under this section shall 6562
be included in the person's total service credit as a public 6563
employees retirement system member, and the person shall forfeit 6564
all rights and benefits of this section. Not more than one year of 6565
credit may be given for any period of twelve months. 6566

(F) This section does not affect the receipt of benefits by 6567
or eligibility for benefits of any person who on August 20, 1976, 6568
was receiving a disability benefit or service retirement pension 6569
or allowance from a state or municipal retirement system in Ohio 6570
and was a member of any other state or municipal retirement system 6571
of this state. 6572

(G) The public employees retirement board may adopt rules to 6573
carry out this section. 6574

Sec. 145.381. (A) This section applies in the case of a 6575
person who is or most recently has been employed by a public 6576
employer in a position that is customarily filled by a vote of 6577
members of a board or commission or by the legislative authority 6578
of a county, municipal corporation, or township. 6579

(B) A board, commission, or legislative authority that 6580
proposes to continue the employment as a reemployed retirant or 6581
rehire as a reemployed retirant to the same position an individual 6582
described in division (A) of this section shall do both of the 6583
following in accordance with rules adopted under division (C) of 6584
this section: 6585

(1) Not less than sixty days before the employment as a 6586
reemployed retirant is to begin, give public notice that the 6587
person is or will be retired and is seeking employment with the 6588
public employer; 6589

(2) Between fifteen and thirty days before the employment as 6590

a reemployed retirant is to begin and after complying with 6591
division (B)(1) of this section, hold a public meeting on the 6592
issue of the person being employed by the public employer. 6593

The notice regarding division (B)(1) of this section shall 6594
include the time, date, and location at which the public meeting 6595
is to take place. 6596

(C) The public employees retirement board shall adopt rules 6597
as necessary to implement this section. 6598

Sec. 147.01. (A) The secretary of state may appoint and 6599
commission as notaries public as many persons who meet the 6600
qualifications of division (B) of this section as the secretary of 6601
state considers necessary. 6602

(B) In order for a person to qualify to be appointed and 6603
commissioned as a notary public, the person must satisfy both of 6604
the following: 6605

(1) The person has attained the age of eighteen years. 6606

(2) One of the following applies: 6607

(a) The person is a ~~citizen~~ legal resident of this state who 6608
is not an attorney admitted to the practice of law in this state 6609
by the Ohio supreme court. 6610

(b) The person is a ~~citizen~~ legal resident of this state who 6611
is an attorney admitted to the practice of law in this state by 6612
the Ohio supreme court. 6613

(c) The person is not a ~~citizen~~ legal resident of this state, 6614
is an attorney admitted to the practice of law in this state by 6615
the Ohio supreme court, and has the person's principal place of 6616
business or the person's primary practice in this state. 6617

(C) A notary public shall be appointed and commissioned as a 6618
notary public for the state. The secretary of state may revoke a 6619

commission issued to a notary public upon presentation of 6620
satisfactory evidence of official misconduct or incapacity. 6621

Sec. 147.37. Each person receiving a commission as notary 6622
public, ~~except~~ including an attorney admitted to the practice of 6623
law in this state by the Ohio supreme court, shall pay a fee of 6624
~~five~~ fifteen dollars to the secretary of state. ~~Each person~~ 6625
~~receiving a commission as a notary public who is an attorney~~ 6626
~~admitted to the practice of law in this state by the Ohio supreme~~ 6627
~~court shall pay a fee of ten dollars to the secretary of state.~~ 6628

Sec. 149.011. As used in this chapter: 6629

(A) "Public office" includes any state agency, public 6630
institution, political subdivision, or ~~any~~ other organized body, 6631
office, agency, institution, or entity established by the laws of 6632
this state for the exercise of any function of government. 6633

(B) "State agency" includes every department, bureau, board, 6634
commission, office, or other organized body established by the 6635
constitution and laws of this state for the exercise of any 6636
function of state government, including any state-supported 6637
institution of higher education, the general assembly, ~~or~~ any 6638
legislative agency, any court or judicial agency, or any political 6639
subdivision or agency ~~thereof~~ of a political subdivision. 6640

(C) "Public money" includes all money received or collected 6641
by or due a public official, whether in accordance with or under 6642
authority of any law, ordinance, resolution, or order, under color 6643
of office, or otherwise. It also includes any money collected by 6644
any individual on behalf of a public office or as a purported 6645
representative or agent of the public office. 6646

(D) "Public official" includes all officers, employees, or 6647
duly authorized representatives or agents of a public office. 6648

(E) "Color of office" includes any act purported or alleged 6649

to be done under any law, ordinance, resolution, order, or other 6650
pretension to official right, power, or authority. 6651

(F) "Archive" includes any public record that is transferred 6652
to the state archives or other designated archival institutions 6653
because of the historical information contained on it. 6654

(G) "Records" includes any document, device, or item, 6655
regardless of physical form or characteristic, including an 6656
electronic record as defined in section 1306.01 of the Revised 6657
Code, created or received by or coming under the jurisdiction of 6658
any public office of the state or its political subdivisions, 6659
which serves to document the organization, functions, policies, 6660
decisions, procedures, operations, or other activities of the 6661
office. 6662

Sec. 149.30. The Ohio historical society, chartered by this 6663
state as a corporation not for profit to promote a knowledge of 6664
history and archaeology, especially of Ohio, and operated 6665
continuously in the public interest since 1885, may perform public 6666
functions as prescribed by law. 6667

The general assembly may appropriate money to the Ohio 6668
historical society each biennium to carry out the public functions 6669
of the society as enumerated in this section. An appropriation by 6670
the general assembly to the society constitutes an offer to 6671
contract with the society to carry out those public functions for 6672
which appropriations are made. An acceptance by the society of the 6673
appropriated funds constitutes an acceptance by the society of the 6674
offer and is considered an agreement by the society to perform 6675
those functions in accordance with the terms of the appropriation 6676
and the law and to expend the funds only for the purposes for 6677
which appropriated. The governor may request on behalf of the 6678
society, and the controlling board may release, additional funds 6679
to the society for survey, salvage, repair, or rehabilitation of 6680

an emergency nature for which funds have not been appropriated, 6681
and acceptance by the society of those funds constitutes an 6682
agreement on the part of the society to expend those funds only 6683
for the purpose for which released by the controlling board. 6684

The society shall faithfully expend and apply all moneys 6685
received from the state to the uses and purposes directed by law 6686
and for necessary administrative expenses. The society shall 6687
perform the public function of sending notice by certified mail to 6688
the owner of any property at the time it is listed on the national 6689
register of historic places. The society shall accurately record 6690
all expenditures of such funds in conformity with generally 6691
accepted accounting principles. 6692

The auditor of state shall audit all funds and fiscal records 6693
of the society. 6694

The public functions to be performed by the Ohio historical 6695
society shall include all of the following: 6696

(A) Creating, supervising, operating, protecting, 6697
maintaining, and promoting for public use a system of state 6698
memorials, titles to which may reside wholly or in part with this 6699
state or wholly or in part with the society as provided in and in 6700
conformity to appropriate acts and resolves of the general 6701
assembly, and leasing for renewable periods of two years or less, 6702
with the advice and consent of the attorney general and the 6703
director of administrative services, lands and buildings owned by 6704
the state which are in the care, custody, and control of the 6705
society, all of which shall be maintained and kept for public use 6706
at reasonable hours; 6707

(B) Making alterations and improvements, marking, and 6708
constructing, reconstructing, protecting, or restoring structures, 6709
earthworks, and monuments in its care, and equipping such 6710
facilities with appropriate educational maintenance facilities; 6711

(C) Serving as the archives administration for the state and 6712
its political subdivisions as provided in sections 149.31 to 6713
149.42 of the Revised Code; 6714

(D) Administering a state historical museum, to be the 6715
headquarters of the society and its principal museum and library, 6716
which shall be maintained and kept for public use at reasonable 6717
hours; 6718

(E) Establishing a marking system to identify all designated 6719
historic and archaeological sites within the state and marking or 6720
causing to be marked historic sites and communities considered by 6721
the society to be historically or archaeologically significant; 6722

(F) Publishing books, pamphlets, periodicals, and other 6723
publications about history, archaeology, and natural science and 6724
~~supplying~~ offering one copy of each regular periodical issue to 6725
all public libraries in this state ~~without charge~~ at a reasonable 6726
price, which shall not exceed one hundred ten per cent more than 6727
the total cost of publication; 6728

(G) Engaging in research in history, archaeology, and natural 6729
science and providing historical information upon request to all 6730
state agencies; 6731

(H) Collecting, preserving, and making available by all 6732
appropriate means and under approved safeguards all manuscript, 6733
print, or near-print library collections and all historical 6734
objects, specimens, and artifacts which pertain to the history of 6735
Ohio and its people, including the following original documents: 6736
Ohio Constitution of 1802; Ohio Constitution of 1851; proposed 6737
Ohio Constitution of 1875; design and the letters of patent and 6738
assignment of patent for the state flag; S.J.R. 13 (1873); S.J.R. 6739
53 (1875); S.J.R. 72 (1875); S.J.R. 50 (1883); H.J.R. 73 (1883); 6740
S.J.R. 28 (1885); H.J.R. 67 (1885); S.J.R. 17 (1902); S.J.R. 28 6741
(1902); H.J.R. 39 (1902); S.J.R. 23 (1903); H.J.R. 19 (1904); 6742

S.J.R. 16 (1905); H.J.R. 41 (1913); H.J.R. 34 (1917); petition 6743
form (2) (1918); S.J.R. 6 (1921); H.J.R. 5 (1923); H.J.R. 40 6744
(1923); H.J.R. 8 (1929); H.J.R. 20 (1929); S.J.R. 4 (1933); 6745
petition form (2) (1933); S.J.R. 57 (1936); petition form (1936); 6746
H.J.R. 14 (1942); H.J.R. 15 (1944); H.J.R. 8 (1944); S.J.R. 6 6747
(1947); petition form (1947); H.J.R. 24 (1947); and H.J.R. 48 6748
(1947); 6749

(I) Encouraging and promoting the organization and 6750
development of county and local historical societies; 6751

(J) Providing to Ohio schools ~~with~~ such materials ~~at cost or~~ 6752
~~near cost~~ as the society may prepare to facilitate the instruction 6753
of Ohio history at a reasonable price, which shall not exceed one 6754
hundred ten per cent more than the total cost of preparation and 6755
delivery; 6756

(K) Providing advisory and technical assistance to local 6757
societies for the preservation and restoration of historic and 6758
archaeological sites; 6759

(L) Devising uniform criteria for the designation of historic 6760
and archaeological sites throughout the state and advising local 6761
historical societies of the criteria and their application; 6762

(M) Taking inventory, in cooperation with the Ohio arts 6763
council, the Ohio archaeological council, and the archaeological 6764
society of Ohio, of significant designated and undesignated state 6765
and local sites and keeping an active registry of all designated 6766
sites within the state; 6767

(N) Contracting with the owners or persons having an interest 6768
in designated historic or archaeological sites or property 6769
adjacent or contiguous to those sites, or acquiring, by purchase, 6770
gift, or devise, easements in those sites or in property adjacent 6771
or contiguous to those sites, in order to control or restrict the 6772
use of those historic or archaeological sites or adjacent or 6773

contiguous property for the purpose of restoring or preserving the 6774
historical or archaeological significance or educational value of 6775
those sites; 6776

(O) Constructing a monument honoring Governor James A. 6777
Rhodes, which shall stand on the northeast quadrant of the grounds 6778
surrounding the capitol building. The monument shall be 6779
constructed with private funds donated to the Ohio historical 6780
society and designated for this purpose. No public funds shall be 6781
expended to construct this monument. The department of 6782
administrative services shall cooperate with the Ohio historical 6783
society in carrying out this function and shall maintain the 6784
monument in a manner compatible with the grounds of the capitol 6785
building. 6786

(P) Commissioning a portrait of each departing governor, 6787
which shall be displayed in the capitol building. The Ohio 6788
historical society may accept private contributions designated for 6789
this purpose and, at the discretion of its board of trustees, also 6790
may apply for the same purpose funds appropriated by the general 6791
assembly to the society pursuant to this section. 6792

(Q) Planning and developing a center at the capitol building 6793
for the purpose of educating visitors about the history of Ohio, 6794
including its political, economic, and social development and the 6795
design and erection of the capitol building and its grounds. The 6796
Ohio historical society may accept contributions of private moneys 6797
and in-kind services designated for this purpose and may, at the 6798
discretion of its board of trustees, also apply, for the same 6799
purpose, personnel and other resources paid in whole or in part by 6800
its state subsidy. 6801

(R) Submitting an annual report of its activities, programs, 6802
and operations to the governor within two months after the close 6803
of each fiscal year of the state. 6804

The society shall not sell, mortgage, transfer, or dispose of 6805
historical or archaeological sites to which it has title and in 6806
which the state has monetary interest except by action of the 6807
general assembly. 6808

In consideration of the public functions performed by the 6809
Ohio historical society for the state, employees of the society 6810
shall be considered public employees within the meaning of section 6811
145.01 of the Revised Code. 6812

Sec. 149.31. (A) The Ohio historical society, in addition to 6813
its other functions, shall function as the state archives 6814
administration for the state and its political subdivisions. 6815

It shall be the function of the state archives to preserve 6816
government archives, documents, and records of historical value 6817
~~which that~~ may come into its possession from public or private 6818
sources. 6819

The archives administration shall evaluate, preserve, 6820
arrange, service repair, or make other disposition, such as 6821
transfer to public libraries, county historical societies, state 6822
universities, or other public or quasi-public institutions, 6823
agencies, or corporations, of those public records of the state 6824
and its political subdivisions ~~which that~~ may come into its 6825
possession under ~~the provisions of~~ this section. Such public 6826
records shall be transferred by written agreement only, and only 6827
to public or quasi-public institutions, agencies, or corporations 6828
capable of meeting accepted archival standards for housing and 6829
use. 6830

The archives administration shall be headed by a trained 6831
archivist designated by the Ohio historical society, and shall 6832
make its services available to county, city, township, and ~~school~~ 6833
school district records commissions upon request. The archivist 6834

shall be designated as the "state archivist." 6835

(B) The archives administration ~~of the Ohio historical~~ 6836
~~society~~ may purchase or procure for itself, or authorize the board 6837
of trustees of an archival institution to purchase or procure from 6838
an insurance company licensed to do business in this state 6839
policies of insurance insuring the administration or the members 6840
of the board and their officers, employees, and agents against 6841
liability on account of damage or injury to persons and property 6842
resulting from any act or omission of the board members, officers, 6843
employees, and agents in their official capacity. 6844

(C) Notwithstanding any other provision of the Revised Code 6845
to the contrary, the archives administration may establish a fee 6846
schedule, which may include the cost of labor, for researching, 6847
retrieving, copying, and mailing copies of public records in the 6848
state archives. Revisions to the fee schedule shall be subject to 6849
approval by the board of trustees of the Ohio historical society. 6850

Sec. 149.33. (A) The department of administrative services 6851
shall have ~~full~~ responsibility for establishing and administering 6852
a state records program for all state agencies, except for 6853
state-supported institutions of higher education. The department 6854
shall apply efficient and economical management methods to the 6855
creation, utilization, maintenance, retention, preservation, and 6856
disposition of state records. 6857

There is hereby established within the department of 6858
administrative services ~~an office of a~~ state records 6859
~~administration~~ program, which shall be under the control and 6860
supervision of the director of administrative services or ~~his~~ the 6861
director's appointed deputy. ~~The director shall designate an~~ 6862
~~administrator of the office of state records administration.~~ 6863

(B) The boards of trustees of state-supported institutions of 6864
higher education shall have full responsibility for establishing 6865

and administering a records program for their respective 6866
institutions. The boards shall apply efficient and economical 6867
management methods to the creation, utilization, maintenance, 6868
retention, preservation, and disposition of the records of their 6869
respective institutions. 6870

Sec. 149.331. The state ~~record administration~~ records program 6871
of the department of administrative services shall do all of the 6872
following: 6873

(A) Establish and promulgate in consultation with the state 6874
archivist standards, procedures, and techniques for the effective 6875
management of state records; 6876

~~(B) Make continuing surveys of record-keeping operations and 6877
recommend improvements in current records management practices 6878
including the use of space, equipment, and supplies employed in 6879
creating, maintaining, storing, and servicing records; 6880~~

~~(C) Establish and operate such state records centers and 6881
auxiliary facilities as may be authorized by appropriation and 6882
provide such related services as are deemed necessary for the 6883
preservation, screening, storage, and servicing of state records 6884
pending disposition; 6885~~

~~(D)~~ Review applications for one-time records disposal and 6886
schedules of records retention and destruction submitted by state 6887
agencies in accordance with section 149.333 of the Revised Code; 6888

~~(E)~~(C) Establish "general schedules" proposing the disposal, 6889
after the lapse of specified periods of time, of records of 6890
specified form or character common to several or all agencies that 6891
either have accumulated or may accumulate in such agencies and 6892
that apparently will not, after the lapse of the periods 6893
specified, have sufficient administrative, legal, fiscal, or other 6894
value to warrant their further preservation by the state; 6895

~~(F)~~(D) Establish and maintain a records management training 6896
program, and provide a basic consulting service, for personnel 6897
involved in record-making and record-keeping functions of 6898
departments, offices, and institutions; 6899

~~(G)~~ Obtain reports from departments, offices, and 6900
~~institutions necessary for the effective administration of the~~ 6901
~~program;~~ 6902

~~(H)~~(E) Provide for the disposition of any remaining records 6903
of any state agency, board, or commission, whether in the 6904
executive, judicial, or legislative branch of government, that has 6905
terminated its operations. After the closing of the Ohio veterans' 6906
children's home, the resident records of the home and the resident 6907
records of the home when it was known as the soldiers' and 6908
sailors' orphans' home required to be maintained by approved 6909
records retention schedules shall be administered by the state 6910
department of education pursuant to this chapter, the 6911
administrative records of the home required to be maintained by 6912
approved records retention schedules shall be administered by the 6913
department of administrative services pursuant to this chapter, 6914
and historical records of the home shall be transferred to an 6915
appropriate archival institution in this state prescribed by the 6916
state ~~record administration records~~ program. 6917

~~(I)~~(F) Establish a centralized program coordinating 6918
micrographics standards, training, and services for the benefit of 6919
all state agencies; 6920

~~(J)~~(G) Establish and publish in accordance with the 6921
applicable law necessary procedures and rules for the retention 6922
and disposal of state records. 6923

This section does not apply to the records of state-supported 6924
institutions of higher education, which shall keep their own 6925
records. 6926

Sec. 149.332. Upon request the ~~state records administrator~~ 6927
director of administrative services and the state archivist shall 6928
assist and advise in the establishment of records management 6929
programs in the legislative and judicial branches of state 6930
government and shall, as required by them, provide program 6931
services similar to those available to the executive branch 6932
~~pursuant to~~ under section 149.33 of the Revised Code. Prior to the 6933
disposal of any records, the state archivist shall be allowed 6934
sixty days to select for preservation in the state archives those 6935
records ~~he~~ the state archivist determines to have continuing 6936
historical value. 6937

Sec. 149.333. No state agency shall retain, destroy, or 6938
otherwise transfer its state records in violation of this section. 6939
This section does not apply to state-supported institutions of 6940
higher education. 6941

Each state agency shall submit to the state records 6942
~~administrator~~ program under the director of administrative 6943
services all applications for records disposal or transfer and all 6944
schedules of records retention and destruction. The state records 6945
~~administrator~~ program shall review ~~such~~ the applications and 6946
schedules and provide written approval, rejection, or modification 6947
of ~~the~~ an application or schedule. The state records ~~administrator~~ 6948
program shall then forward the application for records disposal or 6949
transfer or the schedule for retention or destruction, with the 6950
~~administrator's~~ program's recommendation attached, to the auditor 6951
of state for review and approval. The decision of the auditor of 6952
state to approve, reject, or modify the ~~applications~~ application 6953
or ~~schedules~~ schedule shall be based upon the continuing 6954
administrative and fiscal value of the state records to the state 6955
or to its citizens. If the auditor of state disapproves the action 6956
by the state agency, ~~he~~ the auditor of state shall so inform the 6957

state agency through the state records ~~administrator~~ program 6958
within sixty days, and ~~these~~ the records shall not be destroyed. 6959
~~At~~ 6960

At the same time, the state records ~~administrator~~ program 6961
shall forward the application for records disposal or transfer or 6962
the schedule for retention or destruction to the state archivist 6963
for review and approval. The state archivist shall have sixty days 6964
to select for custody ~~such~~ the state records ~~as he~~ that the state 6965
archivist determines to be of continuing historical value. Records 6966
not ~~so~~ selected shall be disposed of in accordance with this 6967
section. 6968

Sec. 149.34. The head of each state agency, office, 6969
institution, board, or commission shall do the following: 6970

(A) Establish, maintain, and direct an active continuing 6971
program for the effective management of the records of the state 6972
agency; 6973

~~(B) Cooperate with the state records administrator in the 6974
conduct of surveys pursuant to section 149.331 of the Revised 6975
Code;~~ 6976

~~(C)~~ Submit to the state records ~~administrator~~ program, in 6977
accordance with applicable standards and procedures, schedules 6978
proposing the length of time each record series warrants retention 6979
for administrative, legal, or fiscal purposes after it has been 6980
received or created by the agency. The head ~~of each state agency~~ 6981
also shall submit to the state records ~~administrator~~ program 6982
applications for disposal of records in ~~his~~ the head's custody 6983
that are not needed in the transaction of current business and are 6984
not otherwise scheduled for retention or destruction. 6985

~~(D) Transfer to a state records center or auxiliary 6986
facilities, in the manner prescribed by the state records 6987~~

administrator, those records of the agency that can be retained 6988
more efficiently and economically in such a center; 6989

~~(E)~~(C) Within one year after their date of creation or 6990
receipt, schedule all records for disposition or retention in the 6991
manner prescribed by applicable law and procedures. 6992

This section does not apply to state-supported institutions 6993
of higher education. 6994

Sec. 149.35. If any law prohibits the destruction of records, 6995
neither the ~~state records administrator nor~~ director of 6996
administrative services, the director's designee, or the boards of 6997
trustees of state-supported institutions of higher education shall 6998
not order their destruction or other disposition, ~~and, if.~~ If any 6999
law provides that records shall be kept for a specified period of 7000
time, ~~neither~~ the ~~administrator nor~~ director of administrative 7001
services, the director's designee, or the boards shall not order 7002
their destruction or other disposition prior to the expiration of 7003
~~such~~ that period. 7004

Sec. 153.65. As used in sections 153.65 to 153.71 of the 7005
Revised Code: 7006

(A) "Public authority" means the state, ~~or~~ a county, 7007
township, municipal corporation, school district, or other 7008
political subdivision, or any public agency, authority, board, 7009
commission, instrumentality, or special district of the state or a 7010
county, township, municipal corporation, school district, or other 7011
political subdivision. 7012

(B) "Professional design firm" means any person legally 7013
engaged in rendering professional design services. 7014

(C) "Professional design services" means services within the 7015
scope of practice of an architect or landscape architect 7016
registered under Chapter 4703. of the Revised Code or a 7017

professional engineer or surveyor registered under Chapter 4733. 7018
of the Revised Code. 7019

(D) "Qualifications" means all of the following: 7020

(1) Competence of the professional design firm to perform the 7021
required professional design services as indicated by the 7022
technical training, education, and experience of the firm's 7023
personnel, especially the technical training, education, and 7024
experience of the employees within the firm who would be assigned 7025
to perform the services; 7026

(2) Ability of the firm in terms of its workload and the 7027
availability of qualified personnel, equipment, and facilities to 7028
perform the required professional design services competently and 7029
expeditiously; 7030

(3) Past performance of the firm as reflected by the 7031
evaluations of previous clients with respect to such factors as 7032
control of costs, quality of work, and meeting of deadlines; 7033

(4) ~~Other similar~~ Any other relevant factors as determined by 7034
the public authority. 7035

Sec. 153.691. No public authority planning to contract for 7036
professional design services under section 153.69 of the Revised 7037
Code shall require any form of fee estimate, fee proposal, or 7038
other estimate or measure of compensation prior to selecting and 7039
ranking professional design firms, except in instances when firms 7040
are selected and ranked by a state agency from a list of 7041
prequalified firms created under section 153.68 of the Revised 7042
Code and the state agency's payment of funds for the professional 7043
design services has been preapproved by the controlling board. 7044

Sec. 164.14. (A) The local transportation improvement program 7045
fund is hereby created in the state treasury. The fund shall 7046
consist of moneys credited to it pursuant to ~~section~~ sections 7047

117.16 and 5735.23 of the Revised Code, and, subject to the 7048
limitations of section 5735.05 of the Revised Code, shall be used 7049
to make grants to local subdivisions for projects that have been 7050
approved by district public works integrating committees and the 7051
Ohio public works commission in accordance with this section. The 7052
fund shall be administered by the Ohio public works commission, 7053
and shall be allocated each fiscal year on a per capita basis to 7054
district public works integrating committees in accordance with 7055
the most recent decennial census statistics. Money in the fund may 7056
be used to pay reasonable costs incurred by the commission in 7057
administering this section. Investment earnings on moneys credited 7058
to the fund shall be retained by the fund. 7059

(B) Grants awarded under this section may provide up to one 7060
hundred per cent of the estimated total cost of the project. 7061

(C) No grant shall be awarded for a project under this 7062
section unless the project is designed to have a useful life of at 7063
least seven years, except that the average useful life of all such 7064
projects for which grants are awarded in each district during a 7065
fiscal year shall be not less than twenty years. 7066

(D) For the period beginning on July 1, 1989, and ending on 7067
June 30, 1994, and for each succeeding five-year period, at least 7068
one-third of the total amount of money allocated to each district 7069
from the local transportation improvement program fund shall be 7070
awarded as follows: 7071

(1) Forty-two and eight-tenths per cent for projects of 7072
municipal corporations; 7073

(2) Thirty-seven and two-tenths per cent for projects of 7074
counties; 7075

(3) Twenty per cent for projects of townships, except that 7076
the requirement of division (D)(3) of this section shall not apply 7077
in districts where the combined population of the townships in the 7078

district is less than five per cent of the population of the 7079
district. 7080

(E) Each district public works integrating committee shall 7081
review, and approve or disapprove requests submitted to it by 7082
local subdivisions for assistance from the local transportation 7083
improvement program fund. In reviewing projects submitted to it, a 7084
district public works integrating committee shall consider the 7085
following factors: 7086

(1) Whether the project is of critical importance to the 7087
safety of the residents of the local subdivision; 7088

(2) Whether the project would alleviate serious traffic 7089
problems or hazards or would respond to needs caused by rapid 7090
growth and development; 7091

(3) Whether the project would assist the local subdivision in 7092
attaining the transportation infrastructure needed to pursue 7093
significant and specific economic development opportunities; 7094

(4) The availability of other sources of funding for the 7095
project; 7096

(5) The adequacy of the planning for the project and the 7097
readiness of the local subdivision to proceed should the project 7098
be approved; 7099

(6) The local subdivision's ability to pay for and history of 7100
investing in bridge and highway improvements; 7101

(7) The impact of the project on the multijurisdictional 7102
highway and bridge needs of the district; 7103

(8) The requirements of divisions (A), (B), (C), and (D) of 7104
this section; 7105

(9) The condition of the infrastructure system proposed for 7106
improvement; 7107

(10) Any other factors related to the safety, orderly growth, 7108

or economic development of the district or local subdivision that 7109
the district public works integrating committee considers 7110
relevant. 7111

A district public works integrating committee or its 7112
executive committee may appoint a subcommittee to assist it in 7113
carrying out its responsibilities under this section. 7114

(F) Every project approved by a district public works 7115
integrating committee shall be submitted to the Ohio public works 7116
commission for its review and approval or disapproval. The 7117
commission shall not approve any project that fails to meet the 7118
requirements of this section. 7119

(G) Grants awarded from the local transportation improvement 7120
program fund shall not be limited in their usage by divisions (D), 7121
(E), (F), (G), (H), and (I) of section 164.05 of the Revised Code. 7122

(H) As used in this section, "local subdivision" means a 7123
county, municipal corporation, or township. 7124

(I) The director of the Ohio public works commission shall 7125
notify the director of budget and management of the amounts 7126
allocated pursuant to this section, and the allocation information 7127
shall be entered into the state accounting system. The director of 7128
budget and management shall establish appropriation line items as 7129
needed to track these allocations. 7130

Sec. 164.27. (A) The clean Ohio conservation fund is hereby 7131
created in the state treasury. Seventy-five per cent of the net 7132
proceeds of obligations issued and sold by the issuing authority 7133
pursuant to sections 151.01 and 151.09 of the Revised Code shall 7134
be deposited into the fund. Investment earnings of the fund shall 7135
be credited to the fund. ~~For two years after the effective date of~~ 7136
~~this section, investment earnings credited to the fund and~~ may be 7137
used to pay costs incurred by the Ohio public works commission in 7138

administering sections 164.20 to 164.27 of the Revised Code. 7139

Moneys in the clean Ohio conservation fund shall be used to make 7140

grants to local political subdivisions and nonprofit organizations 7141

for projects that have been approved for grants under sections 7142

164.20 to 164.27 of the Revised Code. 7143

The clean Ohio conservation fund shall be administered by the 7144

Ohio public works commission. 7145

(B) For the purpose of grants issued under sections 164.20 to 7146

164.27 of the Revised Code, moneys shall be allocated on an annual 7147

basis from the clean Ohio conservation fund to districts 7148

represented by natural resources assistance councils as follows: 7149

(1) Each district shall receive an amount that is equal to 7150

one-fourth of one per cent of the total annual amount allocated to 7151

all districts each year for each county that is represented by the 7152

district. 7153

(2) The remaining moneys shall be allocated to each district 7154

annually on a per capita basis. 7155

(C) A grant that is awarded under sections 164.20 to 164.27 7156

of the Revised Code may provide up to seventy-five per cent of the 7157

estimated cost of a project. Matching funds from a grant recipient 7158

may consist of contributions of money by any person, any local 7159

political subdivision, or the federal government or of 7160

contributions in-kind by such entities through the purchase or 7161

donation of equipment, land, easements, interest in land, labor, 7162

or materials necessary to complete the project. 7163

(D) The director of the Ohio public works commission shall 7164

notify the director of budget and management of the amounts 7165

allocated pursuant to this section, and that information shall be 7166

entered in the state accounting system. The director of budget and 7167

management may establish appropriate line items or other 7168

mechanisms that are needed to track the allocations. 7169

(E) Grants awarded under sections 164.20 to 164.27 of the Revised Code from the clean Ohio conservation fund shall be used by a local political subdivision or nonprofit organization only to pay the costs related to the purposes for which grants may be issued under section 164.22 of the Revised Code and shall not be used by a local political subdivision or nonprofit organization to pay any administrative costs incurred by the local political subdivision or nonprofit organization.

Sec. 165.09. Any real or personal property, or both, of an issuer ~~which~~ that is acquired, constructed, reconstructed, enlarged, improved, furnished or equipped, or any combination thereof, and leased or subleased under authority of either Chapter 165. or 761. of the Revised Code shall be subject to ad valorem, sales, use, and franchise taxes and to zoning, planning, and building regulations and fees, to the same extent and in the same manner as if the lessee-user or sublessee-user thereof, rather than the issuer, had acquired, constructed, reconstructed, enlarged, improved, furnished, or equipped, or any combination thereof, such real or personal property, and title thereto was in the name of such lessee-user or sublessee-user.

The transfer of tangible personal property by lease or sublease under authority of either Chapter 165. or 761. of the Revised Code is not a sale as used in Chapter 5739. of the Revised Code. The exemptions provided in divisions (B)(1) and ~~(B)(14)~~(13) of section 5739.02 of the Revised Code shall not be applicable to purchases for a project under either Chapters 165. or 761. of the Revised Code.

An issuer shall be exempt from all taxes on its real or personal property, or both, which has been acquired, constructed, reconstructed, enlarged, improved, furnished, or equipped, or any combination thereof, under Chapter 165. or 761. of the Revised

Code, so long as such property is used by the issuer for purposes 7201
which would otherwise exempt such property; has ceased to be used 7202
by a former lessee-user or sublessee-user and is not occupied or 7203
used; or has been acquired by the issuer, but development has not 7204
yet commenced. The exemption shall be effective as of the date the 7205
exempt use begins. All taxes on the exempt real or personal 7206
property for the year should be prorated and the taxes for the 7207
exempt portion of the year shall be remitted by the county 7208
auditor. 7209

Sec. 166.16. (A) The director of development, with the 7210
approval of the controlling board and subject to the other 7211
applicable provisions of this chapter, may lend moneys in the 7212
innovation Ohio loan fund to persons for the purpose of paying 7213
allowable innovation costs of an eligible innovation project if 7214
the director determines that: 7215

(1) The project is an eligible innovation project and is 7216
economically sound. 7217

(2) The borrower is unable to finance the necessary allowable 7218
costs through ordinary financial channels upon comparable terms. 7219

(3) The amount to be lent from the innovation Ohio loan fund 7220
will not exceed ninety per cent of the total costs of the eligible 7221
innovation project. 7222

(4) The repayment of the loan from the innovation Ohio loan 7223
fund will be secured by a mortgage, lien, assignment, or pledge, 7224
or other interest in property or innovation property at such level 7225
of priority and value as the director may determine necessary, 7226
provided that, in making such a determination, the director may 7227
take into account the value of any rights granted by the borrower 7228
to the director to control the use of any property or innovation 7229
property of the borrower under the circumstances described in the 7230
loan documents. 7231

(B) The determinations of the director under division (A) of 7232
this section shall be conclusive for purposes of the validity of a 7233
loan commitment evidenced by a loan agreement signed by the 7234
director. 7235

(C) Fees, charges, rates of interest, times of payment of 7236
interest and principal, and other terms, conditions, and 7237
provisions of and security for loans made from the innovation Ohio 7238
loan fund shall be such as the director determines to be 7239
appropriate and in furtherance of the purpose for which the loans 7240
are made. The moneys used in making the loans shall be disbursed 7241
from the innovation Ohio loan fund upon order of the director. 7242
Unless otherwise specified in any indenture or other instrument 7243
securing obligations under division (D) of section 166.08 of the 7244
Revised Code, any payments of principal and interest from loans 7245
made from the innovation Ohio loan fund shall be paid to the 7246
innovation Ohio loan fund and used for the purpose of making 7247
loans. 7248

(D) ~~The~~ There is hereby created in the state treasury the 7249
innovation Ohio loan fund ~~is hereby created as a special revenue~~ 7250
~~fund and a trust fund which shall be in the custody of the~~ 7251
~~treasurer of state but shall be separate and apart from and not a~~ 7252
~~part of the state treasury.~~ The fund shall consist of all grants, 7253
gifts, and contributions of moneys or rights to moneys lawfully 7254
designated for or deposited in such fund, all moneys and rights to 7255
moneys lawfully appropriated and transferred to such fund, 7256
including moneys received from the issuance of obligations for 7257
purposes of allowable innovation costs under section 166.08 of the 7258
Revised Code, and moneys deposited to such fund pursuant to 7259
divisions (C) and (G) of this section. All investment earnings on 7260
the cash balance in the fund shall be credited to the fund. The 7261
~~innovation Ohio loan~~ fund shall not be comprised, in any part, of 7262
moneys raised by taxation. 7263

(E) The director may take actions necessary or appropriate to collect or otherwise deal with any loan made under this section.

(F) The director may fix service charges for the making of a loan. The charges shall be payable at such times and place and in such amounts and manner as may be prescribed by the director.

~~(G) The treasurer of state shall serve as an agent for the director in the making of deposits and withdrawals and maintenance of records pertaining to the innovation Ohio loan fund.~~

~~(H)~~(1) There shall be credited to the innovation Ohio loan fund the moneys received by this state from the repayment of innovation Ohio loans and recovery on loan guarantees, including interest thereon, made from the innovation Ohio loan fund or from the innovation Ohio loan guarantee fund and from the sale, lease, or other disposition of property acquired or constructed ~~from~~ with moneys in the innovation Ohio loan fund with moneys derived from the proceeds of the sale of obligations under section 166.08 of the Revised Code. Such moneys shall be applied as provided in this chapter pursuant to appropriations made by the general assembly.

(2) Notwithstanding division ~~(H)~~(G)(1) of this section, any amounts recovered on innovation Ohio loan guarantees shall be deposited to the credit of the innovation Ohio loan guarantee fund to the extent necessary to restore that fund to the innovation Ohio loan guarantee reserve requirement or any level in excess thereof required by any guarantee contract. Money in the innovation Ohio loan guarantee fund in excess of the innovation Ohio loan guarantee reserve requirement, but subject to the provisions and requirements of any guarantee contracts, may be transferred to the innovation Ohio loan fund by the treasurer of state upon the order of the director of development.

(3) In addition to the requirements of division ~~(H)~~(G)(1) of this section, moneys referred to in that division may be deposited

to the credit of separate accounts within the innovation Ohio loan 7295
fund or in the bond service fund and pledged to the security of 7296
obligations, applied to the payment of bond service charges 7297
without need for appropriation, released from any such pledge and 7298
transferred to the innovation Ohio loan fund, all as and to the 7299
extent provided in the bond proceedings pursuant to written 7300
directions by the director of development. Accounts may be 7301
established by the director in the innovation Ohio loan fund for 7302
particular projects or otherwise. ~~Income from the investment of~~ 7303
~~moneys in the innovation Ohio loan fund shall be credited to that~~ 7304
~~fund and, as may be provided in bond proceedings, to particular~~ 7305
~~accounts in that fund.~~ The ~~treasurer of state~~ director may 7306
withdraw from the innovation Ohio loan fund or, subject to 7307
provisions of the applicable bond proceedings, from any special 7308
funds established pursuant to the bond proceedings, or from any 7309
accounts in such funds, any amounts of investment income required 7310
to be rebated and paid to the federal government in order to 7311
maintain the exemption from federal income taxation of interest on 7312
obligations issued under this chapter, which withdrawal and 7313
payment may be made without necessity for appropriation. 7314

Sec. 173.06. (A) The director of aging shall establish a 7315
golden buckeye card program and provide a golden buckeye card to 7316
any resident of this state who applies to the director for a card 7317
and ~~who~~ is sixty years of age or older or ~~disabled~~ is a person 7318
with a disability and is eighteen years of age or older. The 7319
director shall devise programs to provide benefits of any kind to 7320
card holders, and encourage support and participation in them by 7321
all persons, including governmental organizations. Card holders 7322
shall be entitled to any benefits granted to them by private 7323
persons or organizations, the laws of this state, or ordinances or 7324
resolutions of political subdivisions. This section does not 7325
require any person or organization to provide benefits to any card 7326

holder. The department of aging shall bear all costs of the 7327
program, except that the department is not required to bear any 7328
costs related to the prescription drug ~~discount~~ programs 7329
established pursuant to section 173.061 of the Revised Code. 7330

(B) Before issuing a golden buckeye card to any person, the 7331
director shall establish the identity of any person who applies 7332
for a card and shall ascertain that such person is sixty years of 7333
age or older or ~~disabled~~ is a person with a disability and is 7334
eighteen years of age or older. The director shall adopt rules 7335
under Chapter 119. of the Revised Code to prevent the issuance of 7336
cards to persons not qualified to have them. Cards shall contain 7337
the signature of the card holder and any other information the 7338
director considers necessary to carry out the purposes of the 7339
golden buckeye card program under this section. Any card that the 7340
director issues shall be held in perpetuity by the original card 7341
holder and shall not be transferable to any other person. A person 7342
who loses the person's card may obtain another card from the 7343
director upon providing the same information to the director as 7344
was required for the issuance of the original card. 7345

(C) No person shall use a golden buckeye card except to 7346
obtain a benefit for the holder of the card to which the holder is 7347
entitled under the conditions of the offer. 7348

(D) As used in this section, "~~disabled~~ person with a 7349
disability" means a person who has some impairment of body or mind 7350
~~that makes the person unfit to work at any substantially~~ 7351
~~remunerative employment that the person is substantially able to~~ 7352
~~perform and that will, with reasonable probability, continue for a~~ 7353
~~period of at least twelve months without any present indication of~~ 7354
~~recovery therefrom, or who~~ and has been certified as permanently 7355
and totally disabled by an agency of this state or the United 7356
States having the function of so classifying persons. 7357

Sec. 173.061. (A) As used in this section: 7358

(1) "Prescription drug" means a drug that may not be 7359
dispensed without a prescription from a licensed health 7360
professional authorized to prescribe drugs. 7361

(2) "Drug," "licensed health professional authorized to 7362
prescribe drugs," "pharmacy," and "prescription" have the same 7363
meanings as in section 4729.01 of the Revised Code. 7364

(3) "~~Disabled person~~ Person with a disability" has the same 7365
meaning as in section 173.06 of the Revised Code. 7366

(4) "Drug discount" means a reimbursement of a certain 7367
portion of the wholesale price of a drug to the administrator of a 7368
prescription drug program for funds accrued or paid in connection 7369
with a reduction in cost of the drug by the manufacturer to the 7370
prescription drug program cardholder pursuant to an agreement 7371
between the manufacturer and the administrator and in 7372
consideration of the administrator's agreement to return one 7373
hundred per cent of the non-negotiated discounts to the cardholder 7374
at the point of sale. A discount is not tied to and does not vary 7375
based on market share performance. 7376

(5) "Rebate" means a refund of a certain portion of the 7377
wholesale price of a drug to the administrator of a prescription 7378
drug program based on a negotiated agreement between the 7379
manufacturer and the administrator and in consideration of market 7380
share performance or continued access or availability of the drug 7381
under the administrator's prescription drug program. 7382

(B) The director of aging shall establish one or more 7383
prescription drug ~~discount card~~ programs that enable cardholders 7384
to receive ~~discounts~~ reduced prices on prescription drugs 7385
dispensed at participating pharmacies. A card shall be provided to 7386
any resident of this state who applies in accordance with rules 7387

adopted by the director pursuant to division (F) of this section 7388
and is sixty years of age or older or is a ~~disabled~~ person with a 7389
disability. 7390

If the director establishes more than one prescription drug 7391
~~discount card~~ program under this section, an eligible resident may 7392
participate in one or more or all of the programs. 7393

(C)(1) The director shall solicit and accept proposals from 7394
entities separate from the department of aging to provide for 7395
administration of a program or programs in accordance with rules 7396
adopted under division (F) of this section. Proposals must be 7397
submitted not later than a date established by the director. The 7398
director shall accept only those proposals that specify all of the 7399
following: 7400

(a) The estimated amount of the ~~discount~~ reduced prices on 7401
prescription drugs based on the entity's previous experience and 7402
how the ~~discount~~ reduction is to be achieved; 7403

(b) To the extent that ~~discounts on prescription drugs are to~~ 7404
~~be achieved through rebates or discounts in prices that the an~~ 7405
entity negotiates rebates with drug manufacturers, the proportion 7406
of the rebates ~~or discounts~~ to be used to do ~~all~~ any of the 7407
following: 7408

(i) Reduce any costs to cardholders; 7409

(ii) ~~Achieve discounts for cardholders;~~ 7410

~~(iii) Cover costs for administering the program;~~ 7411

(iii) Offer any other benefits to cardholders. 7412

(c) Any other benefits offered to cardholders; 7413

(d) If fees are permitted, the fee, if any, to cardholders 7414
for participation in the program and whether the fee is to be a 7415
one-time or periodic fee; 7416

(e) The estimated number and geographic distribution of 7417

participating pharmacies and the process for establishing the	7418
program's pharmacy network;	7419
(f) Financial incentives to be paid to participating	7420
pharmacies by the entity;	7421
(g) The percentage of prescription drugs to be covered by the	7422
program by major drug category;	7423
(h) How the entity proposes to improve medication management	7424
for cardholders;	7425
(i) How cardholders and participating pharmacies will be	7426
informed of the discounted <u>reduced</u> price negotiated by the entity;	7427
(j) How the entity will handle complaints about the program's	7428
operation;	7429
(k) The entity's previous experience in managing similar	7430
programs;	7431
(1) Any additional information requested by the director.	7432
(2) The director shall contract with one or more entities to	7433
administer a program or programs on the basis of the proposals	7434
submitted, but may require an administrator to modify its conduct	7435
of a program in accordance with rules adopted under division (F)	7436
of this section. Prior to entering into a contract with an entity,	7437
the director shall obtain approval of the contract from the	7438
controlling board at a public hearing.	7439
The director shall adopt rules specifying the period for	7440
which a contract will be in effect and may terminate a contract if	7441
an administrator fails to conduct a program in accordance with its	7442
proposal or with any modifications required by rule. When a	7443
contract period ends or a contract is terminated, the director	7444
shall enter into a new contract in the manner specified in this	7445
section for an original contract. Prior to making a new contract,	7446
the director may modify the rules for administration of the	7447

program or programs. 7448

(D) The rules for administration of a program established 7449
under division (C)(2) of this section may permit an administrator 7450
to charge a fee for a prescription drug ~~discount~~ card. The fee may 7451
be a one-time or periodic fee. If the rules permit a fee to be 7452
charged, each entity that submits a proposal under which a fee 7453
will be charged shall specify the amount of the fee and the period 7454
to which the fee will apply. 7455

If an administrator charges a fee for a prescription drug 7456
~~discount~~ card, the rules may require the administrator to issue 7457
the cards. If an administrator does not charge a fee, the rules 7458
may require the administrator to issue the cards or may include 7459
the prescription drug ~~discount~~ information on golden buckeye cards 7460
issued under section 173.06 of the Revised Code. 7461

(E) As used in this division, "administrator" includes the 7462
administrator's parent company and any subsidiary of the parent 7463
company. 7464

(1) No administrator shall sell any information concerning a 7465
person who holds a prescription drug ~~discount~~ card, other than 7466
aggregate information that does not identify the cardholder, 7467
without the cardholder's written consent. 7468

(2) Unless an administrator has the cardholder's written 7469
consent, no administrator shall use any personally identifiable 7470
information that it obtains concerning a cardholder through the 7471
program to promote or sell a program or product offered by the 7472
administrator that is not related to the administration of the 7473
program. This division does not prohibit an administrator from 7474
contacting cardholders concerning participation in or 7475
administration of the program, including, but not limited to, 7476
mailing a list of pharmacies participating in the program's 7477
network. 7478

(3) When determining medicaid drug rebates, an administrator shall be subject to best price calculations promulgated by the centers for medicare and medicaid services in the United States department of health and human services. With prior approval of the controlling board, an administrator may use rebates negotiated with a drug manufacturer for purposes other than those provided in divisions (E)(3)(a), (b), and (c) of this section, including sharing a portion of the rebate with the administrator's clients, prescription drug program participants, or participating pharmacies. To the extent that ~~a discount is achieved through rebates or discounts in prices that~~ an administrator negotiates rebates with drug manufacturers, ~~an~~ the administrator shall use the rebates ~~or discounts~~ to do one or more of the following:

(a) Reduce any costs to cardholders; 7492

(b) ~~Achieve discounts for cardholders;~~ 7493

~~(e)~~ Cover any administrative costs of the program; 7494

(c) Offer any other benefits to cardholders. 7495

(4) An administrator may negotiate with drug manufacturers to have the prescription drug program or programs established by the department of aging under this section serve as a single enrollment point for the manufacturer's discount program. To the extent that discounts are offered by manufacturers through the program, discounts are exempt from best price calculations when determining medicaid drug rebates pursuant to 42 U.S.C. 1396r-8, as amended, if all of the following apply:

(a) The manufacturer's program provides prescription drug assistance to a limited group of persons without negotiations between the manufacturer and a third party regarding the amount of assistance.

(b) The manufacturer establishes the amount of the benefit to

be given to persons without negotiations between the manufacturer 7509
and a third party regarding the amount of the benefit. 7510

(c) The entire amount of the discount is used to benefit an 7511
individual without providing an opportunity for the administrator, 7512
participating pharmacies, or any other third party to reduce or 7513
take for its use a portion of the benefit. 7514

(d) A participating pharmacy is reimbursed based on the lower 7515
of a calculated formula equal to the average wholesale price less 7516
a defined percentage plus a dispensing fee, or the pharmacy's 7517
usual and customary price for the drug. 7518

(e) Other than the benefit amount, a participating pharmacy 7519
collects no additional payment from the manufacturer's discount 7520
program. 7521

(5) To the extent that drug discounts on prescription drugs 7522
are achieved through reduced prices an administrator obtains from 7523
drug manufacturers, the administrator shall use the drug discounts 7524
to reduce prescription drug costs for cardholders. 7525

(F) The director shall adopt rules in accordance with Chapter 7526
119. of the Revised Code that do all of the following: 7527

(1) Specify how a resident may apply to participate in any 7528
one or more prescription drug discount card programs; 7529

(2) Provide for the administration of each program; 7530

(3) Specify the circumstances under which the director may 7531
require an administrator to modify its conduct of a program; 7532

(4) Specify the duration of a contract; 7533

(5) Specify whether an administrator may charge a fee for a 7534
card and whether an administrator is required to issue the cards; 7535

(6) Require that an administrator permit any pharmacy willing 7536
to comply with the administrator's terms and conditions for 7537
participation in the program's network to participate in any 7538

network used by the administrator for its program; 7539

(7) Prohibit an administrator from requiring a pharmacy or 7540
drug manufacturer to participate in the program's network as a 7541
condition of participation in another network operated by the 7542
administrator; 7543

(8) Permit an administrator to work with one or more drug 7544
manufacturers to obtain drug discounts; 7545

(9) Permit an administrator to negotiate with one or more 7546
drug manufacturers for ~~discounts in drug prices or~~ rebates; 7547

~~(9)~~(10) Permit an administrator to receive any rebate 7548
payments from drug manufacturers; 7549

~~(10)~~(11) Require that an administrator create a financial 7550
incentive program for participating pharmacies through which the 7551
administrator shall distribute a portion of any rebate payments 7552
from drug manufacturers received under division (F)~~(9)~~(10) of this 7553
section. 7554

(G) Not later than one month after the end of each 7555
twelve-month period that one or more prescription drug ~~discount~~ 7556
~~card~~ programs are in operation, each administrator shall collect 7557
from each of its participating pharmacies and provide to the 7558
director of aging the information required by section 173.071 of 7559
the Revised Code. 7560

Sec. 173.062. Records identifying the recipients of golden 7561
buckeye cards issued under section 173.06 of the Revised Code or 7562
prescription drug ~~discount~~ cards issued under section 173.061 of 7563
the Revised Code are not public records subject to inspection or 7564
copying under section 149.43 of the Revised Code and may be 7565
disclosed only at the discretion of the director of aging. The 7566
director may disclose only information in records identifying the 7567
recipients of golden buckeye cards or prescription drug ~~discount~~ 7568

cards that does not contain the recipient's medical history or 7569
prescription drug utilization history. 7570

Sec. 173.07. Not later than four months after the end of each 7571
twelve-month period that one or more prescription drug ~~discount~~ 7572
~~card~~ programs established under section 173.061 of the Revised 7573
Code are in operation, the director of aging shall issue a report 7574
on the operation of each program during that twelve-month period. 7575

Sec. 173.071. Each report issued under section 173.07 of the 7576
Revised Code shall be based on information received by the 7577
director of aging from each administrator under division (G) of 7578
section 173.061 of the Revised Code and specify all of the 7579
following about each program: 7580

(A) The number of prescription drug ~~discount~~ cardholders; 7581

(B) The number of cardholders who used the card at least once 7582
in the immediately preceding twelve-month period; 7583

(C) The total cost savings to all cardholders generated by 7584
the program; 7585

(D) The average cost savings to a cardholder per 7586
prescription; 7587

(E) The source and method of cost savings under the program; 7588

(F) The drugs that are discounted under the program listed 7589
according to major drug category; 7590

(G) The drugs for which rebates are offered under the 7591
program, listed according to major drug category; 7592

(H) For each participating pharmacy, the number of times in 7593
the twelve-month period that the pharmacy's customary and usual 7594
price was lower than the price offered under the prescription drug 7595
~~discount~~ program; 7596

(H) (I) The name of the program's administrator;	7597
(I) (J) The length of the contract between the director and the program's administrator;	7598 7599
(J) (K) The number of pharmacies participating in the program;	7600
(K) (L) Other than the cost of prescription drugs, any fees paid by cardholders to participate in the program;	7601 7602
(L) (M) Any costs incurred by the state to operate the program;	7603 7604
(M) (N) Any costs incurred by participating pharmacies to participate in the program.	7605 7606
<u>Sec. 173.08. (A) The resident services coordinator program is</u>	7607
<u>established in the department of aging to fund resident services</u>	7608
<u>coordinators. The coordinators shall provide information to</u>	7609
<u>low-income and special-needs tenants, including the elderly, who</u>	7610
<u>live in subsidized rental housing complexes, and assist those</u>	7611
<u>tenants in identifying and obtaining community and program</u>	7612
<u>services and other benefits for which they are eligible.</u>	7613
<u>(B) The resident services coordinator program fund is hereby</u>	7614
<u>created in the state treasury to support the resident services</u>	7615
<u>coordinator program established pursuant to this section. The fund</u>	7616
<u>consists of all moneys the department of development sets aside</u>	7617
<u>pursuant to division (A)(4) of section 175.21 of the Revised Code</u>	7618
<u>and moneys the general assembly appropriates to the fund.</u>	7619
Sec. 173.14. As used in sections 173.14 to 173.26 of the Revised Code:	7620 7621
(A)(1) Except as otherwise provided in division (A)(2) of this section, "long-term care facility" includes any residential facility that provides personal care services for more than twenty-four hours for two or more unrelated adults, including all	7622 7623 7624 7625

of the following:	7626
(a) A "nursing home," "residential care facility," or "home for the aging" as defined in section 3721.01 of the Revised Code;	7627 7628
(b) A facility authorized to provide extended care services under Title XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended;	7629 7630 7631
(c) A county home or district home operated pursuant to Chapter 5155. of the Revised Code;	7632 7633
(d) An "adult care facility" as defined in section 3722.01 of the Revised Code;	7634 7635
(e) A facility approved by the veterans administration under section 104(a) of the "Veterans Health Care Amendments of 1983," 97 Stat. 993, 38 U.S.C. 630, as amended, and used exclusively for the placement and care of veterans;	7636 7637 7638 7639
(f) An adult foster home certified under section 173.36 of the Revised Code.	7640 7641
(2) "Long-term care facility" does not include a "residential facility" as defined in section 5119.22 of the Revised Code or a "residential facility" as defined in section 5123.19 of the Revised Code.	7642 7643 7644 7645
(B) "Resident" means a resident of a long-term care facility and, where appropriate, includes a prospective, previous, or deceased resident of a long-term care facility.	7646 7647 7648
(C) "Community-based long-term care services" means health and social services provided to persons age sixty or older in their own homes or in community care settings, and includes any of the following:	7649 7650 7651 7652
(1) Case management;	7653
(2) Home health care;	7654

(3) Homemaker services;	7655
(4) Chore services;	7656
(5) Respite care;	7657
(6) Adult day care;	7658
(7) Home-delivered meals;	7659
(8) Personal care;	7660
(9) Physical, occupational, and speech therapy;	7661
(10) Any other health and social services provided to persons	7662
age sixty or older that allow them to retain their independence in	7663
their own homes or in community care settings.	7664
(D) "Recipient" means a recipient of community-based	7665
long-term care services and, where appropriate, includes a	7666
prospective, previous, or deceased recipient of community-based	7667
long-term care services.	7668
(E) "Sponsor" means an adult relative, friend, or guardian	7669
who has an interest in or responsibility for the welfare of a	7670
resident or a recipient.	7671
(F) "Personal care services" has the same meaning as in	7672
section 3721.01 of the Revised Code.	7673
(G) "Regional long-term care ombudsperson program" means an	7674
entity, either public or private and nonprofit, designated as a	7675
regional long-term care ombudsperson program by the state	7676
long-term care ombudsperson.	7677
(H) "Representative of the office of the state long-term care	7678
ombudsperson program" means the state long-term care ombudsperson	7679
or a member of the ombudsperson's staff, or a person certified as	7680
a representative of the office under section 173.21 of the Revised	7681
Code.	7682
(I) "Area agency on aging" means an area agency on aging	7683

established under the "Older Americans Act of 1965," 79 Stat. 219, 7684
42 U.S.C.A. 3001, as amended. 7685

Sec. 173.26. (A) Each of the following facilities shall 7686
annually pay to the department of aging ~~three~~ six dollars for each 7687
bed maintained by the facility for use by a resident during any 7688
part of the previous year: 7689

(1) Nursing homes, residential care facilities, and homes for 7690
the aging as defined in section 3721.01 of the Revised Code; 7691

(2) Facilities authorized to provide extended care services 7692
under Title XVIII of the "Social Security Act," 49 Stat. 620 7693
(1935), 42 U.S.C. 301, as amended; 7694

(3) County homes and district homes operated pursuant to 7695
Chapter 5155. of the Revised Code; 7696

(4) Adult care facilities as defined in section 3722.01 of 7697
the Revised Code; 7698

(5) ~~Adult foster homes certified under section 173.36 of the~~ 7699
~~Revised Code;~~ 7700

~~(6)~~ Facilities approved by the Veterans Administration under 7701
Section 104(a) of the "Veterans Health Care Amendments of 1983," 7702
97 Stat. 993, 38 U.S.C. 630, as amended, and used exclusively for 7703
the placement and care of veterans. 7704

The department shall, by rule adopted ~~under section 111.15 in~~ 7705
accordance with Chapter 119. of the Revised Code, establish 7706
deadlines for payments required by this section. 7707

(B) All money collected under this section shall be deposited 7708
in the state treasury to the credit of the office of the state 7709
long-term care ~~ombudsman~~ ombudsperson program fund, which is 7710
hereby created. Money credited to the fund shall be used solely to 7711
pay the costs of operating the regional long-term care ~~ombudsman~~ 7712
ombudsperson programs. 7713

(C) The state long-term care ~~ombudsman~~ ombudsperson and the 7714
regional programs may solicit and receive contributions to support 7715
the operation of the office or a regional program, except that no 7716
contribution shall be solicited or accepted that would interfere 7717
with the independence or objectivity of the office or program. 7718

Sec. 175.03. (A)(1) The Ohio housing finance agency shall 7719
consist of eleven members. Nine of the members shall be appointed 7720
by the governor with the advice and consent of the senate. The 7721
director of commerce and the director of development, or their 7722
respective designees, shall also be voting members of the agency. 7723
Of the nine appointed members, at least one shall have experience 7724
in residential housing construction; at least one shall have 7725
experience in residential housing mortgage lending, loan 7726
servicing, or brokering; at least one shall have experience in the 7727
licensed residential housing brokerage business; at least one 7728
shall have experience with the housing needs of senior citizens; 7729
at least one shall be from a background in labor representation in 7730
the construction industry; at least one shall represent the 7731
interests of nonprofit multifamily housing development 7732
corporations; at least one shall represent the interests of 7733
for-profit multifamily housing development organizations; and two 7734
shall be public members. The governor shall receive 7735
recommendations from the Ohio housing council for appointees to 7736
represent the interests of nonprofit multifamily housing 7737
development corporations and for-profit multifamily housing 7738
development organizations. Each appointee representing multifamily 7739
housing interests currently shall be employed with an organization 7740
that is active in the area of affordable housing development or 7741
management. No more than six of the appointed members of the 7742
agency shall be of the same political party. Of the appointments 7743
made to the agency for the eighth and ninth appointed members in 7744
accordance with this amendment, one shall be for a term ending on 7745

January 31, 2005, and one shall be for a term ending on January 7746
31, 2006. Thereafter, each appointed member shall serve for a term 7747
ending on the thirty-first day of January which is six years 7748
following the date of termination of the term which it succeeds. 7749
Each member shall hold office from the date of the member's 7750
appointment until the end of the term for which the member was 7751
appointed. Any member appointed to fill a vacancy occurring prior 7752
to the expiration of the term for which the member's predecessor 7753
was appointed shall hold office for the remainder of such term. 7754
Any appointed member shall continue in office subsequent to the 7755
expiration date of the member's term until the member's successor 7756
takes office, or until a period of sixty days has elapsed, 7757
whichever occurs first. Each appointed member may be removed from 7758
office by the governor for misfeasance, nonfeasance, malfeasance 7759
in office, or for failure to attend in person three consecutive 7760
meetings of the agency. 7761

(2) The ~~director of development or the director's designee~~ 7762
governor shall ~~be~~ appoint the chairperson of the agency. The 7763
agency shall elect one of its ~~appointed~~ members as 7764
vice-chairperson and such other officers as it deems necessary, 7765
who need not be members of the agency. Each appointed member of 7766
the agency shall receive compensation at the rate of one hundred 7767
fifty dollars per agency meeting attended in person, not to exceed 7768
a maximum of three thousand dollars per year. All members shall be 7769
reimbursed for their actual and necessary expenses incurred in the 7770
discharge of their official duties. 7771

(3) Six members of the agency constitute a quorum, and the 7772
affirmative vote of six members shall be necessary for any action 7773
taken by the agency. No vacancy in membership of the agency 7774
impairs the right of a quorum to exercise all the rights and 7775
perform all the duties of the agency. Meetings of the agency may 7776
be held at any place within the state. Meetings of the agency, 7777

including notice of the place of meetings, shall comply with 7778
section 121.22 of the Revised Code. 7779

(B)(1) The appointed members of the agency are not subject to 7780
section 102.02 of the Revised Code. Each such appointed member 7781
shall file with the agency a signed written statement setting 7782
forth the general nature of sales of goods, property or services 7783
or of loans to the agency in which such member has a pecuniary 7784
interest or in which any member of the member's immediate family, 7785
as defined in section 102.01 of the Revised Code, or any 7786
corporation, partnership or enterprise of which the member is an 7787
officer, director, or partner, or of which the member or a member 7788
of the member's immediate family, as so defined, owns more than a 7789
five per cent interest, has a pecuniary interest, and of which 7790
sale, loan and interest such member has knowledge. The statement 7791
shall be supplemented from time to time to reflect changes in the 7792
general nature of any such sales or loans. No member shall 7793
participate in portions of agency meetings dealing with, or vote 7794
concerning, any such matter. 7795

(2) The requirements of this section pertaining to disclosure 7796
and prohibition from participation and voting do not apply to 7797
agency loans to lending institutions or contracts between the 7798
agency and lending institutions for the purchase, administration, 7799
or servicing of loans notwithstanding that such lending 7800
institution has a director, officer, employee, or owner who is a 7801
member of the agency, and no such loans or contracts shall be 7802
deemed to be prohibited or otherwise regulated by reason of any 7803
other law or rule. 7804

(3) The members of the agency representing multifamily 7805
housing interests are not in violation of division (A) of section 7806
2921.42, division (D) of section 102.03, or division (E) of 7807
section 102.03 of the Revised Code in regard to a contract the 7808
agency enters into if both of the following apply: 7809

(a) The contract is entered into for a loan, grant, or participation in a program administered or funded by the agency and the contract was awarded pursuant to rules or guidelines the agency adopted.

(b) The member does not participate in the discussion or vote on the contract if the contract secured a grant or loan that would directly benefit the member, a family member, or a business associate of the member.

Sec. 175.21. (A) The low- and moderate-income housing trust fund is hereby created in the state treasury. The fund shall consist of all appropriations, made to the fund, housing trust fund fees collected by county recorders pursuant to section 317.36 of the Revised Code and deposited into the fund pursuant to section 319.63 of the Revised Code, and all grants, gifts, loan repayments, and contributions of money made from any source to the department of development for deposit in the fund. All investment earnings of the fund shall be credited to the fund. The director of development shall allocate a portion of the money in the fund to an account of the Ohio housing finance agency. The department shall administer the fund. The agency shall use money allocated to it in the fund for implementing and administering its programs and duties under sections 175.22 and 175.24 of the Revised Code, and the department shall use the remaining money in the fund for implementing and administering its programs and duties under sections 175.22 to 175.25 of the Revised Code. Use of all money in the fund is subject to the following restrictions:

(1) Not more than six per cent of any current year appropriation authority for the fund shall be used for the transitional and permanent housing program to make grants to municipal corporations, counties, townships, and nonprofit organizations for the acquisition, rehabilitation, renovation,

construction, conversion, operation, and cost of supportive 7841
services for new and existing transitional and permanent housing 7842
for homeless persons. 7843

(2)(a) Not more than five per cent of any current year 7844
appropriation authority for the fund shall be used for grants and 7845
loans to community development corporations and the Ohio community 7846
development finance fund, a private nonprofit corporation. 7847

(b) In any year in which the amount in the fund exceeds one 7848
hundred thousand dollars, not less than one hundred thousand 7849
dollars shall be used to provide training, technical assistance, 7850
and capacity building assistance to nonprofit development 7851
organizations in areas of the state the director designates as 7852
underserved. 7853

(c) For monies awarded in any fiscal year, priority shall be 7854
given to proposals submitted by nonprofit development 7855
organizations from areas of the state the director designates as 7856
underserved. 7857

(3) Not more than seven per cent of any current year 7858
appropriation authority for the fund shall be used for the 7859
emergency shelter housing grants program to make grants to 7860
private, nonprofit organizations and municipal corporations, 7861
counties, and townships for emergency shelter housing for the 7862
homeless. The grants shall be distributed pursuant to rules the 7863
director adopts and qualify as matching funds for funds obtained 7864
pursuant to the McKinney Act, 101 Stat. 85 (1987), 42 U.S.C.A. 7865
11371 to 11378. 7866

(4) In any fiscal year in which the amount in the fund 7867
exceeds the amount awarded pursuant to division (A)(2)(b) of this 7868
section by at least two hundred fifty thousand dollars, at least 7869
two hundred fifty thousand dollars from the fund shall be provided 7870
to the department of aging for the resident services coordinator 7871

program. 7872

(5) Of all money in the fund: 7873

(a) Not more than five per cent shall be used for 7874
administration. 7875

(b) Not less than forty-five per cent of the ~~amount of~~ funds 7876
awarded during any one fiscal year shall be ~~used to make for~~ 7877
grants and loans to nonprofit organizations under section 175.22 7878
of the Revised Code, ~~not.~~ 7879

(c) Not less than fifty per cent of the ~~amount of~~ funds 7880
awarded during any one fiscal year, excluding the amounts awarded 7881
pursuant to divisions (A)(1), (A)(2), and (A)(3) of this section, 7882
shall be ~~used to make for~~ grants and loans for activities that 7883
~~will~~ provide housing and housing assistance to families and 7884
individuals in rural areas and small cities that ~~would~~ are not be 7885
eligible to participate as a participating jurisdiction under the 7886
"HOME Investment Partnerships Act," 104 Stat. 4094 (1990), 42 7887
U.S.C. 12701 note, 12721, ~~no more than five per cent of the money~~ 7888
~~in the fund shall be used for administration, and no.~~ 7889

(d) No money in the fund shall be used to pay for any legal 7890
services other than the usual and customary legal services 7891
associated with the acquisition of housing. 7892

(6) Except as otherwise provided by the director under 7893
division (B) of this section, money in the fund may be used as 7894
matching money for federal funds received by the state, counties, 7895
municipal corporations, and townships for the activities listed in 7896
section 175.22 of the Revised Code. 7897

(B) If after the second quarter of any year it appears to the 7898
director that the full amount of the money in the ~~low and~~ 7899
~~moderate income housing trust~~ fund designated in that year for 7900
activities that ~~will~~ provide housing and housing assistance to 7901
families and individuals in rural areas and small cities under 7902

division (A) of this section will not be ~~se~~ used for that purpose, 7903
the director may reallocate all or a portion of that amount for 7904
other housing activities. In determining whether or how to 7905
reallocate money under this division, the director may consult 7906
with and shall receive advice from the housing trust fund advisory 7907
committee. 7908

Sec. 175.22. (A) The department of development and the Ohio 7909
housing finance agency shall each develop programs under which, in 7910
accordance with rules adopted under this section, ~~it~~ they may make 7911
grants, loans, loan guarantees, and loan subsidies to counties, 7912
municipal corporations, townships, local housing authorities, and 7913
nonprofit organizations and may make loans, loan guarantees, and 7914
loan subsidies to private developers and private lenders to assist 7915
~~them~~ in activities that ~~will~~ provide housing and housing 7916
assistance for specifically targeted low- and moderate-income 7917
families and individuals. There ~~shall be~~ is no minimum housing 7918
project size for awards under this division for any project that 7919
is ~~being~~ developed for a special needs population and that is 7920
supported by a social service agency where the housing project 7921
~~will be~~ is located. Activities for which grants, loans, loan 7922
guarantees, and loan subsidies may be made under this section 7923
include all of the following: 7924

(1) Acquiring, financing, constructing, leasing, 7925
rehabilitating, remodeling, improving, and equipping publicly or 7926
privately owned housing; 7927

(2) Providing supportive services related to housing and the 7928
homeless, including housing counseling. Not more than twenty per 7929
cent of the current year appropriation authority for the low- and 7930
moderate-income housing trust fund that remains after the award of 7931
funds made pursuant to divisions (A)(1), (A)(2), and (A)(3) of 7932
section 175.21 of the Revised Code, shall be awarded in any fiscal 7933

year for ~~such~~ supportive services. 7934

(3) Providing rental assistance payments or other project 7935
operating subsidies that lower tenant rents. 7936

(B) Grants, loans, loan guarantees, and loan subsidies may be 7937
made to counties, municipal corporations, townships, and nonprofit 7938
organizations for the additional purposes of providing technical 7939
assistance, design and finance services and consultation, and 7940
payment of pre-development and administrative costs related to any 7941
of the activities listed above. 7942

(C) In developing programs under this section, the department 7943
and the agency shall invite, accept, and consider public comment, 7944
and recommendations from the housing trust fund advisory committee 7945
created under section 175.25 of the Revised Code, on how the 7946
programs should be designed to most effectively benefit low- and 7947
moderate-income families and individuals. The programs developed 7948
under this section shall respond collectively to housing and 7949
housing assistance needs of low- and moderate-income families and 7950
individuals statewide. 7951

(D) The department and the agency, in accordance with Chapter 7952
119. of the Revised Code, shall each adopt rules ~~under which it~~ 7953
~~shall~~ to administer programs developed ~~by it~~ under this section. 7954
The rules shall prescribe procedures and forms ~~whereby that~~ 7955
counties, municipal corporations, townships, local housing 7956
authorities, and nonprofit organizations ~~may apply~~ shall use in 7957
applying for grants, loans, loan guarantees, and loan subsidies 7958
and that private developers and private lenders ~~may apply~~ shall 7959
use in applying for loans, loan guarantees, and loan subsidies; 7960
eligibility criteria for the receipt of funds; procedures for 7961
reviewing and granting or denying applications; procedures for 7962
paying out funds; conditions on the use of funds; procedures for 7963
monitoring the use of funds; and procedures under which a 7964
recipient shall be required to repay funds that are improperly 7965

used. The rules ~~adopted by the department~~ shall do both of the 7966
following: 7967

(1) Require each recipient of a grant or loan made from the 7968
low- and moderate-income housing trust fund for activities that 7969
~~will~~ provide, or assist in providing, a rental housing project, to 7970
reasonably ensure that the rental housing project will ~~be~~ remain 7971
affordable to those families and individuals targeted for the 7972
rental housing project for the useful life of the rental housing 7973
project or for thirty years, whichever is longer; 7974

(2) Require each recipient of a grant or loan made from the 7975
low- and moderate-income housing trust fund for activities that 7976
~~will~~ provide, or assist in providing, a housing project to prepare 7977
and implement a plan to reasonably assist any families and 7978
individuals displaced by the housing project in obtaining decent 7979
affordable housing. 7980

(E) In prescribing eligibility criteria and conditions for 7981
the use of funds, neither the department nor the agency is limited 7982
to the criteria and conditions specified in this section and each 7983
may prescribe additional eligibility criteria and conditions that 7984
relate to the purposes for which grants, loans, loan guarantees, 7985
and loan subsidies may be made. However, the department and agency 7986
are limited by the following specifically targeted low- and 7987
moderate-income guidelines: 7988

(1) Not less than seventy-five per cent of the money granted 7989
and loaned under this section in any fiscal year shall be for 7990
activities that ~~will~~ provide affordable housing and housing 7991
assistance to families and individuals ~~in a county~~ whose incomes 7992
are equal to or less than fifty per cent of the median income for 7993
~~that~~ the county in which they live, as determined by the 7994
department under section 175.23 of the Revised Code. 7995

(2) ~~The remainder of the~~ Any money granted and loaned under 7996

this section in any fiscal year that is not granted or loaned 7997
pursuant to division (E)(1) of this section shall be for 7998
activities that ~~will~~ provide affordable housing and housing 7999
assistance to families and individuals ~~in a county~~ whose incomes 8000
are equal to or less than eighty per cent of the median income for 8001
~~that~~ the county in which they live, as determined by the 8002
department under section 175.23 of the Revised Code. 8003

(F) In making grants, loans, loan guarantees, and loan 8004
subsidies under this section, the department and the agency shall 8005
give preference to viable projects and activities that ~~will~~ 8006
benefit those families and individuals ~~in a county~~ whose incomes 8007
are equal to or less than thirty-five per cent of the median 8008
income for ~~that~~ the county in which they live, as determined by 8009
the department under section 175.23 of the Revised Code. 8010

(G) The department and the agency shall monitor the programs 8011
developed under this section to ensure that money granted and 8012
loaned under this section is not used in a manner that violates 8013
division (H) of section 4112.02 of the Revised Code or 8014
discriminates against families with children. 8015

Sec. 183.02. This section's references to years mean state 8016
fiscal years. 8017

All payments received by the state pursuant to the tobacco 8018
master settlement agreement shall be deposited into the state 8019
treasury to the credit of the tobacco master settlement agreement 8020
fund, which is hereby created. All investment earnings of the fund 8021
shall also be credited to the fund. Except as provided in division 8022
(K) of this section, payments and interest credited to the fund 8023
shall be transferred by the director of budget and management as 8024
follows: 8025

(A)(1) Of the first payment credited to the tobacco master 8026
settlement agreement fund in 2000 and the net amounts credited to 8027

the fund annually from 2000 to 2006 and in 2012, the following 8028
amount or percentage shall be transferred to the tobacco use 8029
prevention and cessation trust fund, created in section 183.03 of 8030
the Revised Code: 8031

YEAR	AMOUNT OR PERCENTAGE	
2000 (first payment credited)	\$104,855,222.85	8033
2000 (net amount credited)	70.30%	8034
2001	62.84	8035
2002	61.41	8036
2003	63.24	8037
2004	66.65	8038
2005	66.24	8039
2006	65.97	8040
2012	56.01	8041

(2) Of the net amounts credited to the tobacco master 8042
settlement agreement fund in 2013, the director shall transfer to 8043
the tobacco use prevention and cessation trust fund the amount not 8044
transferred to the tobacco use prevention and cessation trust fund 8045
from the net amounts credited to the tobacco master settlement 8046
agreement fund in 2002 due to Am. Sub. H.B. No. 405 and Am. Sub. 8047
S.B. No. 242 of the 124th general assembly. Of the net amounts 8048
credited to the tobacco master settlement agreement fund in 2014, 8049
the director shall transfer to the tobacco use prevention and 8050
cessation trust fund the amount not transferred to the tobacco use 8051
prevention and cessation trust fund from the net amounts credited 8052
to the tobacco master settlement agreement fund in 2003 due to Am. 8053
Sub. H.B. No. 405 and Am. Sub. S.B. No. 242 of the 124th general 8054
assembly. Of the net amounts credited to the tobacco master 8055
settlement agreement fund in 2015, the director shall transfer to 8056
the tobacco use prevention and cessation trust fund the amount not 8057
transferred to the tobacco use prevention and cessation trust fund 8058
from the net amounts credited to the tobacco master settlement 8059

agreement fund in 2004 due to Am. Sub. H.B. 95 of the 125th 8060
general assembly. 8061

(B) Of the first payment credited to the tobacco master 8062
settlement agreement fund in 2000 and the net amounts credited to 8063
the fund annually in 2000 and 2001, the following amount or 8064
percentage shall be transferred to the law enforcement 8065
improvements trust fund, created in section 183.10 of the Revised 8066
Code: 8067

YEAR	AMOUNT OR PERCENTAGE	
2000 (first payment	\$10,000,000	8069
credited)		
2000 (net amount credited)	5.41%	8070
2001	2.32	8071

(C)(1) Of the first payment credited to the tobacco master 8072
settlement agreement fund in 2000 and the net amounts credited to 8073
the fund annually from 2000 to 2011, the following percentages 8074
shall be transferred to the southern Ohio agricultural and 8075
community development trust fund, created in section 183.11 of the 8076
Revised Code: 8077

YEAR	PERCENTAGE	
2000 (first payment	5.00%	8079
credited)		
2000 (net amount credited)	8.73	8080
2001	8.12	8081
2002	9.18	8082
2003	8.91	8083
2004	7.84	8084
2005	7.79	8085
2006	7.76	8086
2007	17.39	8087
2008 through 2011	17.25	8088

(2) Of the net amounts credited to the tobacco master 8089

settlement agreement fund in 2013, the director shall transfer to 8090
the southern Ohio agricultural and community development trust 8091
fund the amount not transferred to the southern Ohio agricultural 8092
and community development trust fund from the net amounts credited 8093
to the tobacco master settlement agreement fund in 2002 due to Am. 8094
Sub. H.B. No. 405 and Am. Sub. S.B. No. 242 of the 124th general 8095
assembly. Of the net amounts credited to the tobacco master 8096
settlement agreement fund in 2014, the director shall transfer to 8097
the southern Ohio agricultural and community development trust 8098
fund the amount not transferred to the southern Ohio agricultural 8099
and community development trust fund from the net amounts credited 8100
to the tobacco master settlement agreement fund in 2003 due to Am. 8101
Sub. H.B. No. 405 and Am. Sub. S.B. No. 242 of the 124th general 8102
assembly. 8103

(D)~~(1)~~ The following percentages of the net amounts credited 8104
to the tobacco master settlement agreement fund annually shall be 8105
transferred to Ohio's public health priorities trust fund, created 8106
in section 183.18 of the Revised Code: 8107

YEAR	PERCENTAGE	
2000	5.41	8109
2001	6.68	8110
2002	6.79	8111
2003	6.90	8112
2004	7.82	8113
2005	8.18	8114
2006	8.56	8115
2007	19.83	8116
2008	19.66	8117
2009	20.48	8118
2010	21.30	8119
2011	22.12	8120
2012	10.47	8121

~~(2) Of the net amounts credited to the tobacco master settlement agreement fund in 2013, the director shall transfer to Ohio's public health priorities trust fund the amount not transferred to Ohio's public health priorities trust fund from the net amounts credited to the tobacco master settlement agreement fund in 2002 due to Am. Sub. H.B. No. 405 and Am. Sub. S.B. No. 242 of the 124th general assembly. Of the net amounts credited to the tobacco master settlement agreement fund in 2014, the director shall transfer to Ohio's public health priorities trust fund the amount not transferred to Ohio's public health priorities trust fund from the net amounts credited to the tobacco master settlement agreement fund in 2003 due to Am. Sub. H.B. No. 405 and Am. Sub. S.B. No. 242 of the 124th general assembly.~~

(E) The following percentages of the net amounts credited to the tobacco master settlement agreement fund annually shall be transferred to the biomedical research and technology transfer trust fund, created in section 183.19 of the Revised Code:

YEAR	PERCENTAGE	
2000	2.71	8140
2001	14.03	8141
2002	13.29	8142
2003	12.73	8143
2004	13.78	8144
2005	14.31	8145
2006	14.66	8146
2007	49.57	8147
2008 to 2011	45.06	8148
2012	18.77	8149

(F) Of the amounts credited to the tobacco master settlement agreement fund annually, the following amounts shall be transferred to the education facilities trust fund, created in section 183.26 of the Revised Code:

YEAR	AMOUNT	
2000	\$133,062,504.95	8155
2001	128,938,732.73	8156
2002	185,804,475.78	8157
2003	180,561,673.11	8158
2004	122,778,219.49	8159
2005	121,389,325.80	8160
2006	120,463,396.67	8161
2007	246,389,369.01	8162
2008 to 2011	267,531,291.85	8163
2012	110,954,545.28	8164

(G) Of the amounts credited to the tobacco master settlement agreement fund annually, from 2000 to 2012 five million dollars per year shall be transferred to the education facilities endowment fund, created in section 183.27 of the Revised Code. From 2013 to 2025, the following percentages of the amounts credited to the tobacco master settlement agreement fund annually shall be transferred to the endowment fund:

YEAR	PERCENTAGE	
2013	30.22	8173
2014	33.36	8174
2015 to 2025	40.90	8175

(H) The following percentages of the net amounts credited to the tobacco master settlement agreement fund annually shall be transferred to the education technology trust fund, created in section 183.28 of the Revised Code:

YEAR	PERCENTAGE	
2000	7.44	8181
2001	6.01	8182
2002	9.33	8183
2003	8.22	8184
2004	3.91	8185

2005	3.48	8186
2006	3.05	8187
2007	13.21	8188
2008	18.03	8189
2009	17.21	8190
2010	16.39	8191
2011	15.57	8192
2012	14.75	8193

(I) In each year from 2003 to 2025, after the transfers made 8194
under divisions (F) and (G) of this section but prior to the 8195
transfers made under divisions (A) to (E) of this section, the 8196
director of budget and management shall transfer to the tobacco 8197
settlement oversight, administration, and enforcement fund created 8198
in section 183.34 of the Revised Code such amount as the director 8199
determines necessary to pay the costs incurred by the attorney 8200
general in tobacco settlement oversight, administration, and 8201
enforcement. 8202

(J) In each year from 2003 to 2025, after the transfers made 8203
under divisions (F) and (G) of this section but prior to the 8204
transfers made under divisions (A) to (E) of this section, the 8205
director of budget and management shall transfer to the tobacco 8206
settlement enforcement fund created in section 183.35 of the 8207
Revised Code such amount as the director determines necessary to 8208
pay the costs incurred by the tax commissioner in the enforcement 8209
of divisions (F) and (G) of section 5743.03 of the Revised Code. 8210

(K) If in any year from 2001 to 2012 the payments and 8211
interest credited to the tobacco master settlement agreement fund 8212
during the year amount to less than the amounts required to be 8213
transferred to the education facilities trust fund and the 8214
education facilities endowment fund that year, the director of 8215
budget and management shall make none of the transfers required by 8216
divisions (A) to (J) of this section. 8217

(L) If in any year from 2000 to 2025 the payments credited to the tobacco master settlement agreement fund during the year exceed the following amounts, the director of budget and management shall transfer the excess to the income tax reduction fund, created in section 131.44 of the Revised Code:

YEAR	AMOUNT	
2000	\$443,892,767.51	8223
2001	348,780,049.22	8224
2002	418,783,038.09	8225
2003	422,746,368.61	8226
2004	352,827,184.57	8227
2005	352,827,184.57	8228
2006	352,827,184.57	8229
2007	352,827,184.57	8230
2008 to 2017	383,779,323.15	8231
2018 to 2025	403,202,282.16	8232

Sec. 306.35. Upon the creation of a regional transit authority as provided by section 306.32 of the Revised Code, and upon the qualifying of its board of trustees and the election of a president and a vice-president, the authority shall exercise in its own name all the rights, powers, and duties vested in and conferred upon it by sections 306.30 to 306.53 of the Revised Code. Subject to any reservations, limitations, and qualifications that are set forth in those sections, the regional transit authority:

(A) May sue or be sued in its corporate name;

(B) May make contracts in the exercise of the rights, powers, and duties conferred upon it;

(C) May adopt and at will alter a seal and use such seal by causing it to be impressed, affixed, reproduced, or otherwise used, but failure to affix the seal shall not affect the validity

of any instrument;	8249
(D)(1) May adopt, amend, and repeal bylaws for the	8250
administration of its affairs and rules for the control of the	8251
administration and operation of transit facilities under its	8252
jurisdiction, and for the exercise of all of its rights of	8253
ownership in those transit facilities;	8254
<u>(2) The regional transit authority also may adopt bylaws and</u>	8255
<u>rules for the following purposes:</u>	8256
<u>(a) To prohibit selling, giving away, or using any beer or</u>	8257
<u>intoxicating liquor on transit vehicles or transit property;</u>	8258
<u>(b) For the preservation of good order within or on transit</u>	8259
<u>vehicles or transit property;</u>	8260
<u>(c) To provide for the protection and preservation of all</u>	8261
<u>property and life within or on transit vehicles or transit</u>	8262
<u>property;</u>	8263
<u>(d) To regulate and enforce the collection of fares.</u>	8264
<u>(3) Before a bylaw or rule adopted under division (D)(2) of</u>	8265
<u>this section takes effect, the regional transit authority shall</u>	8266
<u>provide for a notice of its adoption to be published once a week</u>	8267
<u>for two consecutive weeks in a newspaper of general circulation</u>	8268
<u>within the territorial boundaries of the regional transit</u>	8269
<u>authority.</u>	8270
<u>(4) No person shall violate any bylaw or rule of a regional</u>	8271
<u>transit authority adopted under division (D)(2) of this section.</u>	8272
(E) May fix, alter, and collect fares, rates, and rentals and	8273
other charges for the use of transit facilities under its	8274
jurisdiction to be determined exclusively by it for the purpose of	8275
providing for the payment of the expenses of the regional transit	8276
authority, the acquisition, construction, improvement, extension,	8277
repair, maintenance, and operation of transit facilities under its	8278

jurisdiction, the payment of principal and interest on its 8279
obligations, and to fulfill the terms of any agreements made with 8280
purchasers or holders of any such obligations, or with any person 8281
or political subdivision; 8282

(F) Shall have jurisdiction, control, possession, and 8283
supervision of all property, rights, easements, licenses, moneys, 8284
contracts, accounts, liens, books, records, maps, or other 8285
property rights and interests conveyed, delivered, transferred, or 8286
assigned to it; 8287

(G) May acquire, construct, improve, extend, repair, lease, 8288
operate, maintain, or manage transit facilities within or without 8289
its territorial boundaries, considered necessary to accomplish the 8290
purposes of its organization and make charges for the use of 8291
transit facilities; 8292

(H) May levy and collect taxes as provided in sections 306.40 8293
and 306.49 of the Revised Code; 8294

(I) May issue bonds secured by its general credit as provided 8295
in section 306.40 of the Revised Code; 8296

(J) May hold, encumber, control, acquire by donation, by 8297
purchase for cash or by installment payments, by lease-purchase 8298
agreement, by lease with option to purchase, or by condemnation, 8299
and may construct, own, lease as lessee or lessor, use, and sell, 8300
real and personal property, or any interest or right in real and 8301
personal property, within or without its territorial boundaries, 8302
for the location or protection of transit facilities and 8303
improvements and access to transit facilities and improvements, 8304
the relocation of buildings, structures, and improvements situated 8305
on lands acquired by the regional transit authority, or for any 8306
other necessary purpose, or for obtaining or storing materials to 8307
be used in constructing, maintaining, and improving transit 8308
facilities under its jurisdiction; 8309

(K) May exercise the power of eminent domain to acquire 8310
property or any interest in property, within or without its 8311
territorial boundaries, that is necessary or proper for the 8312
construction or efficient operation of any transit facility or 8313
access to any transit facility under its jurisdiction in 8314
accordance with section 306.36 of the Revised Code; 8315

(L) May provide by agreement with any county, including the 8316
counties within its territorial boundaries, or any municipal 8317
corporation or any combination of counties or municipal 8318
corporations for the making of necessary surveys, appraisals, and 8319
examinations preliminary to the acquisition or construction of any 8320
transit facility and the amount of the expense for the surveys, 8321
appraisals, and examinations to be paid by each such county or 8322
municipal corporation; 8323

(M) May provide by agreement with any county, including the 8324
counties within its territorial boundaries, or any municipal 8325
corporation or any combination of those counties or municipal 8326
corporations for the acquisition, construction, improvement, 8327
extension, maintenance, or operation of any transit facility owned 8328
or to be owned and operated by it or owned or to be owned and 8329
operated by any such county or municipal corporation and the terms 8330
on which it shall be acquired, leased, constructed, maintained, or 8331
operated, and the amount of the cost and expense of the 8332
acquisition, lease, construction, maintenance, or operation to be 8333
paid by each such county or municipal corporation; 8334

(N) May issue revenue bonds for the purpose of acquiring, 8335
replacing, improving, extending, enlarging, or constructing any 8336
facility or permanent improvement that it is authorized to 8337
acquire, replace, improve, extend, enlarge, or construct, 8338
including all costs in connection with and incidental to the 8339
acquisition, replacement, improvement, extension, enlargement, or 8340
construction, and their financing, as provided by section 306.37 8341

of the Revised Code;	8342
(O) May enter into and supervise franchise agreements for the operation of a transit system;	8343 8344
(P) May accept the assignment of and supervise an existing franchise agreement for the operation of a transit system;	8345 8346
(Q) May exercise a right to purchase a transit system in accordance with the acquisition terms of an existing franchise agreement; and in connection with the purchase the regional transit authority may issue revenue bonds as provided by section 306.37 of the Revised Code or issue bonds secured by its general credit as provided in section 306.40 of the Revised Code;	8347 8348 8349 8350 8351 8352
(R) May apply for and accept grants or loans from the United States, the state, or any other public body for the purpose of providing for the development or improvement of transit facilities, mass transportation facilities, equipment, techniques, methods, or services, and grants or loans needed to exercise a right to purchase a transit system pursuant to agreement with the owner of those transit facilities, or for providing lawful financial assistance to existing transit systems; and may provide any consideration that may be required in order to obtain those grants or loans from the United States, the state, or other public body, either of which grants or loans may be evidenced by the issuance of revenue bonds as provided by section 306.37 of the Revised Code or general obligation bonds as provided by section 306.40 of the Revised Code;	8353 8354 8355 8356 8357 8358 8359 8360 8361 8362 8363 8364 8365 8366
(S) May employ and fix the compensation of consulting engineers, superintendents, managers, and such other engineering, construction, accounting and financial experts, attorneys, and other employees and agents necessary for the accomplishment of its purposes;	8367 8368 8369 8370 8371
(T) May procure insurance against loss to it by reason of	8372

damages to its properties resulting from fire, theft, accident, or 8373
other casualties or by reason of its liability for any damages to 8374
persons or property occurring in the construction or operation of 8375
transit facilities under its jurisdiction or the conduct of its 8376
activities; 8377

(U) May maintain funds that it considers necessary for the 8378
efficient performance of its duties; 8379

(V) May direct its agents or employees, when properly 8380
identified in writing, after at least five days' written notice, 8381
to enter upon lands within or without its territorial boundaries 8382
in order to make surveys and examinations preliminary to the 8383
location and construction of transit facilities, without liability 8384
to it or its agents or employees except for actual damage done; 8385

(W) On its own motion, may request the appropriate zoning 8386
board, as defined in section 4563.03 of the Revised Code, to 8387
establish and enforce zoning regulations pertaining to any transit 8388
facility under its jurisdiction in the manner prescribed by 8389
sections 4563.01 to 4563.21 of the Revised Code; 8390

(X) If it acquires any existing transit system, shall assume 8391
all the employer's obligations under any existing labor contract 8392
between the employees and management of the system. If the board 8393
acquires, constructs, controls, or operates any such facilities, 8394
it shall negotiate arrangements to protect the interests of 8395
employees affected by the acquisition, construction, control, or 8396
operation. The arrangements shall include, but are not limited to: 8397

(1) The preservation of rights, privileges, and benefits 8398
under existing collective bargaining agreements or otherwise, the 8399
preservation of rights and benefits under any existing pension 8400
plans covering prior service, and continued participation in 8401
social security in addition to participation in the public 8402
employees retirement system as required in Chapter 145. of the 8403

Revised Code;	8404
(2) The continuation of collective bargaining rights;	8405
(3) The protection of individual employees against a worsening of their positions with respect to their employment;	8406 8407
(4) Assurances of employment to employees of those transit systems and priority reemployment of employees terminated or laid off;	8408 8409 8410
(5) Paid training or retraining programs;	8411
(6) Signed written labor agreements.	8412
The arrangements may include provisions for the submission of labor disputes to final and binding arbitration.	8413 8414
(Y) May provide for and maintain security operations, including a transit police department, subject to section 306.352 of the Revised Code. Regional transit authority police officers shall have the power and duty to act as peace officers within transit facilities owned, operated, or leased by the transit authority to protect the transit authority's property and the person and property of passengers, to preserve the peace, and to enforce all laws of the state and ordinances and regulations of political subdivisions in which the transit authority operates. Regional transit authority police officers also shall have the power and duty to act as peace officers when they render emergency assistance outside their jurisdiction to any other peace officer who is not a regional transit authority police officer and who has arrest authority under section 2935.03 of the Revised Code. Regional transit authority police officers may render emergency assistance if there is a threat of imminent physical danger to the peace officer, a threat of physical harm to another person, or any other serious emergency situation and if either the peace officer who is assisted requests emergency assistance or it appears that the peace officer who is assisted is unable to request emergency	8415 8416 8417 8418 8419 8420 8421 8422 8423 8424 8425 8426 8427 8428 8429 8430 8431 8432 8433 8434

assistance and the circumstances observed by the regional transit 8435
authority police officer reasonably indicate that emergency 8436
assistance is appropriate. 8437

Before exercising powers of arrest and the other powers and 8438
duties of a peace officer, each regional transit authority police 8439
officer shall take an oath and give bond to the state in a sum 8440
that the board of trustees prescribes for the proper performance 8441
of the officer's duties. 8442

Persons employed as regional transit authority police 8443
officers shall complete training for the position to which they 8444
have been appointed as required by the Ohio peace officer training 8445
commission as authorized in section 109.77 of the Revised Code, or 8446
be otherwise qualified. The cost of the training shall be provided 8447
by the regional transit authority. 8448

(Z) May procure a policy or policies insuring members of its 8449
board of trustees against liability on account of damages or 8450
injury to persons and property resulting from any act or omission 8451
of a member in the member's official capacity as a member of the 8452
board or resulting solely out of the member's membership on the 8453
board; 8454

(AA) May enter into any agreement for the sale and leaseback 8455
or lease and leaseback of transit facilities, which agreement may 8456
contain all necessary covenants for the security and protection of 8457
any lessor or the regional transit authority including, but not 8458
limited to, indemnification of the lessor against the loss of 8459
anticipated tax benefits arising from acts, omissions, or 8460
misrepresentations of the regional transit authority. In 8461
connection with that transaction, the regional transit authority 8462
may contract for insurance and letters of credit and pay any 8463
premiums or other charges for the insurance and letters of credit. 8464
The fiscal officer shall not be required to furnish any 8465
certificate under section 5705.41 of the Revised Code in 8466

connection with the execution of any such agreement. 8467

(BB) In regard to any contract entered into on or after March 8468
19, 1993, for the rendering of services or the supplying of 8469
materials or for the construction, demolition, alteration, repair, 8470
or reconstruction of transit facilities in which a bond is 8471
required for the faithful performance of the contract, may permit 8472
the person awarded the contract to utilize a letter of credit 8473
issued by a bank or other financial institution in lieu of the 8474
bond; 8475

(CC) May enter into agreements with municipal corporations 8476
located within the territorial jurisdiction of the regional 8477
transit authority permitting regional transit authority police 8478
officers employed under division (Y) of this section to exercise 8479
full arrest powers, as provided in section 2935.03 of the Revised 8480
Code, for the purpose of preserving the peace and enforcing all 8481
laws of the state and ordinances and regulations of the municipal 8482
corporation within the areas that may be agreed to by the regional 8483
transit authority and the municipal corporation. 8484

Sec. 306.99. (A) No person shall violate any rule or 8485
regulation adopted pursuant to division (N) of section 306.04 of 8486
the Revised Code and whoever violates such a rule or regulation 8487
shall be fined not more than one thousand dollars or imprisoned 8488
not more than ninety days or both. 8489

(B) Whoever violates division (D)(4) of section 306.35 of the 8490
Revised Code shall be fined not more than one hundred dollars on a 8491
first offense and not more than five hundred dollars on each 8492
subsequent offense. 8493

Fines levied and collected for such violations shall be paid 8494
into the treasury of the regional transit authority. The regional 8495
transit authority may use such fine money for any purpose that is 8496
not inconsistent with sections 306.30 to 306.54 of the Revised 8497

<u>Code.</u>	8498
<u>Sec. 307.676. (A) As used in this section:</u>	8499
<u>(1) "Food and beverages" means any raw, cooked, or processed edible substance used or intended for use in whole or in part for human consumption, including ice, water, spirituous liquors, wine, mixed beverages, beer, soft drinks, soda, and other beverages.</u>	8500 8501 8502 8503
<u>(2) "Convention facilities authority" has the same meaning as in section 351.01 of the Revised Code.</u>	8504 8505
<u>(3) "Convention center" has the same meaning as in section 307.695 of the Revised Code.</u>	8506 8507
<u>(B) The legislative authority of a county with a population of one million or more according to the most recent federal decennial census may, by resolution adopted on or before August 30, 2004, by a majority of the members of the legislative authority and with the subsequent approval of a majority of the electors of the county voting upon it, levy a tax of not more than two per cent on every retail sale in the county of food and beverages to be consumed on the premises where sold to pay the expenses of administering the tax and to provide revenues for the county general fund. Such resolution shall direct the board of elections to submit the question of levying the tax to the electors of the county at the next primary or general election in the county occurring not less than seventy-five days after the resolution is certified to the board of elections, and such resolution may further direct the board of elections to include upon the ballot submitted to the electors any specific purposes for which the tax will be used. The legislative authority shall establish all regulations necessary to provide for the administration and allocation of the tax. The regulations may prescribe the time for payment of the tax and may provide for imposition of a penalty, interest, or both for late payments,</u>	8508 8509 8510 8511 8512 8513 8514 8515 8516 8517 8518 8519 8520 8521 8522 8523 8524 8525 8526 8527 8528

provided that any such penalty may not exceed ten per cent of the 8529
amount of tax due and the rate at which interest accrues may not 8530
exceed the rate per annum required under section 5703.47 of the 8531
Revised Code. 8532

(C) A tax levied under this section shall remain in effect 8533
for the period of time specified in the resolution or ordinance 8534
levying the tax, but in no case for a longer period than forty 8535
years. 8536

(D) A tax levied under this section is in addition to any 8537
other tax levied under Chapter 307., 4301., 4305., 5739., 5741., 8538
or any other chapter of the Revised Code. "Price," as defined in 8539
sections 5739.01 and 5741.01 of the Revised Code, does not include 8540
any tax levied under this section and any tax levied under this 8541
section does not include any tax imposed under Chapter 5739. or 8542
5741. of the Revised Code. 8543

(E)(1) No amount collected from a tax levied under this 8544
section shall be contributed to a convention facilities authority, 8545
corporation, or other entity created after July 1, 2003, for the 8546
principal purpose of constructing, improving, expanding, 8547
equipping, financing, or operating a convention center unless the 8548
mayor of the municipal corporation in which the convention center 8549
is to be operated by that convention facilities authority, 8550
corporation, or other entity has consented to the creation of that 8551
convention facilities authority, corporation, or entity. 8552
Notwithstanding any contrary provision of section 351.04 of the 8553
Revised Code, if a tax is levied by a county under this section, 8554
the board of county commissioners of that county may determine the 8555
manner of selection, the qualifications, the number, and terms of 8556
office of the members of the board of directors of any convention 8557
facilities authority, corporation, or other entity described in 8558
division (E)(1) of this section. 8559

(2)(a) No amount collected from a tax levied under this 8560

section may be used for any purpose other than paying the direct 8561
and indirect costs of constructing, improving, expanding, 8562
equipping, financing, or operating a convention center and for the 8563
real and actual costs of administering the tax, unless, prior to 8564
the adoption of the resolution of the legislative authority of the 8565
county directing the board of elections to submit the question of 8566
the levy, extension, or increase to the electors of the county, 8567
the county and the mayor of the most populous municipal 8568
corporation in that county have entered into an agreement as to 8569
the use of such amounts, provided that such agreement has been 8570
approved by a majority of the mayors of the other municipal 8571
corporations in that county. The agreement shall provide that the 8572
amounts to be used for purposes other than paying the convention 8573
center or administrative costs described in division (E)(2)(a) of 8574
this section be used only for the direct and indirect costs of 8575
capital improvements in accordance with the agreement, including 8576
the financing of capital improvements. Immediately following the 8577
execution of the agreement, the county shall: 8578

(i) In accordance with section 7.12 of the Revised Code, 8579
cause the agreement to be published at least once in a newspaper 8580
of general circulation in that county; or 8581

(ii) Post the agreement in at least five public places in the 8582
county, as determined by the legislative authority, for a period 8583
not less than fifteen days. 8584

(b) If the county in which the tax is levied has an 8585
association of mayors and city managers, the approval of that 8586
association of an agreement described in division (E)(2)(a) of 8587
this section shall be considered to be the approval of the 8588
majority of the mayors of the other municipal corporations for 8589
purposes of that division. 8590

(F) Each year, the auditor of state shall conduct an audit of 8591
the uses of any amounts collected from taxes levied under this 8592

section and shall prepare a report of the auditor of state's 8593
findings. The auditor of state shall submit the report to the 8594
legislative authority of the county that has levied the tax, the 8595
speaker of the house of representatives, the president of the 8596
senate, and the leaders of the minority parties of the house of 8597
representatives and the senate. 8598

(G) The levy of any taxes under Chapter 5739. of the Revised 8599
Code on the same transactions subject to a tax under this section 8600
does not prevent the levy of a tax under this section. 8601

Sec. 307.86. Anything to be purchased, leased, leased with an 8602
option or agreement to purchase, or constructed, including, but 8603
not limited to, any product, structure, construction, 8604
reconstruction, improvement, maintenance, repair, or service, 8605
except the services of an accountant, architect, attorney at law, 8606
physician, professional engineer, construction project manager, 8607
consultant, surveyor, or appraiser, by or on behalf of the county 8608
or contracting authority, as defined in section 307.92 of the 8609
Revised Code, at a cost in excess of ~~fifteen~~ twenty-five thousand 8610
dollars, except as otherwise provided in division (D) of section 8611
713.23 and in sections 125.04, 307.022, 307.041, 307.861, 339.05, 8612
340.03, 340.033, 4115.31 to 4115.35, 5119.16, 5513.01, 5543.19, 8613
5713.01, and 6137.05 of the Revised Code, shall be obtained 8614
through competitive bidding. However, competitive bidding is not 8615
required when any of the following applies: 8616

(A) The board of county commissioners, by a unanimous vote of 8617
its members, makes a determination that a real and present 8618
emergency exists, and that determination and the reasons for it 8619
are entered in the minutes of the proceedings of the board, when 8620
either of the following applies: 8621

(1) The estimated cost is less than fifty thousand dollars. 8622

(2) There is actual physical disaster to structures, radio 8623

communications equipment, or computers. 8624

For purposes of this division, "unanimous vote" means all 8625
three members of a board of county commissioners when all three 8626
members are present, or two members of the board if only two 8627
members, constituting a quorum, are present. 8628

Whenever a contract of purchase, lease, or construction is 8629
exempted from competitive bidding under division (A)(1) of this 8630
section because the estimated cost is less than fifty thousand 8631
dollars, but the estimated cost is ~~fifteen~~ twenty-five thousand 8632
dollars or more, the county or contracting authority shall solicit 8633
informal estimates from no fewer than three persons who could 8634
perform the contract, before awarding the contract. With regard to 8635
each such contract, the county or contracting authority shall 8636
maintain a record of such estimates, including the name of each 8637
person from whom an estimate is solicited. The county or 8638
contracting authority shall maintain the record for the longer of 8639
at least one year after the contract is awarded or the amount of 8640
time the federal government requires. 8641

(B)(1) The purchase consists of supplies or a replacement or 8642
supplemental part or parts for a product or equipment owned or 8643
leased by the county, and the only source of supply for the 8644
supplies, part, or parts is limited to a single supplier. 8645

(2) The purchase consists of services related to information 8646
technology, such as programming services, that are proprietary or 8647
limited to a single source. 8648

(C) The purchase is from the federal government, the state, 8649
another county or contracting authority of another county, or a 8650
board of education, township, or municipal corporation. 8651

(D) ~~Public~~ The purchase is made by a county department of job 8652
and family services under section 329.04 of the Revised Code and 8653
consists of family services duties or workforce development 8654

~~activities are purchased for provision by the county department of 8655
job and family services under section 329.04 of the Revised Code, 8656
or is made by a county board of mental retardation and 8657
developmental disabilities under section 5126.05 of the Revised 8658
Code and consists of program services, such as direct and 8659
ancillary client services, child day-care, case management 8660
services, residential services, and family resource services, ~~are 8661
purchased for provision by a county board of mental retardation 8662
and developmental disabilities under section 5126.05 of the 8663
Revised Code.~~ 8664~~

(E) The purchase consists of criminal justice services, 8665
social services programs, family services, or workforce 8666
development activities by the board of county commissioners from 8667
nonprofit corporations or associations under programs funded by 8668
the federal government or by state grants. 8669

(F) The purchase consists of any form of an insurance policy 8670
or contract authorized to be issued under Title XXXIX of the 8671
Revised Code or any form of health care plan authorized to be 8672
issued under Chapter 1751. of the Revised Code, or any combination 8673
of such policies, contracts, or plans that the contracting 8674
authority is authorized to purchase, and the contracting authority 8675
does all of the following: 8676

(1) Determines that compliance with the requirements of this 8677
section would increase, rather than decrease, the cost of the 8678
purchase; 8679

(2) Employs a competent consultant to assist the contracting 8680
authority in procuring appropriate coverages at the best and 8681
lowest prices; 8682

(3) Requests issuers of the policies, contracts, or plans to 8683
submit proposals to the contracting authority, in a form 8684
prescribed by the contracting authority, setting forth the 8685

coverage and cost of the policies, contracts, or plans as the 8686
contracting authority desires to purchase; 8687

(4) Negotiates with the issuers for the purpose of purchasing 8688
the policies, contracts, or plans at the best and lowest price 8689
reasonably possible. 8690

(G) The purchase consists of computer hardware, software, or 8691
consulting services that are necessary to implement a computerized 8692
case management automation project administered by the Ohio 8693
prosecuting attorneys association and funded by a grant from the 8694
federal government. 8695

(H) Child day-care services are purchased for provision to 8696
county employees. 8697

(I)(1) Property, including land, buildings, and other real 8698
property, is leased for offices, storage, parking, or other 8699
purposes, and all of the following apply: 8700

(a) The contracting authority is authorized by the Revised 8701
Code to lease the property. 8702

(b) The contracting authority develops requests for proposals 8703
for leasing the property, specifying the criteria that will be 8704
considered prior to leasing the property, including the desired 8705
size and geographic location of the property. 8706

(c) The contracting authority receives responses from 8707
prospective lessors with property meeting the criteria specified 8708
in the requests for proposals by giving notice in a manner 8709
substantially similar to the procedures established for giving 8710
notice under section 307.87 of the Revised Code. 8711

(d) The contracting authority negotiates with the prospective 8712
lessors to obtain a lease at the best and lowest price reasonably 8713
possible considering the fair market value of the property and any 8714
relocation and operational costs that may be incurred during the 8715

period the lease is in effect. 8716

(2) The contracting authority may use the services of a real 8717
estate appraiser to obtain advice, consultations, or other 8718
recommendations regarding the lease of property under this 8719
division. 8720

(J) The purchase is made pursuant to section 5139.34 or 8721
sections 5139.41 to 5139.46 of the Revised Code and is of programs 8722
or services that provide case management, treatment, or prevention 8723
services to any felony or misdemeanor delinquent, unruly youth, 8724
or status offender under the supervision of the juvenile court, 8725
including, but not limited to, community residential care, day 8726
treatment, services to children in their home, or electronic 8727
monitoring. 8728

(K) The purchase is made by a public children services agency 8729
pursuant to section 307.92 or 5153.16 of the Revised Code and 8730
consists of family services, programs, or ancillary services that 8731
provide case management, prevention, or treatment services for 8732
children at risk of being or alleged to be abused, neglected, or 8733
dependent children. 8734

Any issuer of policies, contracts, or plans listed in 8735
division (F) of this section and any prospective lessor under 8736
division (I) of this section may have the issuer's or prospective 8737
lessor's name and address, or the name and address of an agent, 8738
placed on a special notification list to be kept by the 8739
contracting authority, by sending the contracting authority that 8740
name and address. The contracting authority shall send notice to 8741
all persons listed on the special notification list. Notices shall 8742
state the deadline and place for submitting proposals. The 8743
contracting authority shall mail the notices at least six weeks 8744
prior to the deadline set by the contracting authority for 8745
submitting proposals. Every five years the contracting authority 8746
may review this list and remove any person from the list after 8747

mailing the person notification of that action. 8748

Any contracting authority that negotiates a contract under 8749
division (F) of this section shall request proposals and 8750
renegotiate with issuers in accordance with that division at least 8751
every three years from the date of the signing of such a contract. 8752

Any consultant employed pursuant to division (F) of this 8753
section and any real estate appraiser employed pursuant to 8754
division (I) of this section shall disclose any fees or 8755
compensation received from any source in connection with that 8756
employment. 8757

Sec. 307.87. Where competitive bidding is required by section 8758
307.86 of the Revised Code, notice thereof shall be given in the 8759
following manner: 8760

(A) Notice shall be published once a week for not less than 8761
two consecutive weeks preceding the day of the opening of bids in 8762
a newspaper of general circulation within the county for any 8763
purchase, lease, lease with option or agreement to purchase, or 8764
construction contract in excess of ~~ten~~ twenty-five thousand 8765
dollars. The contracting authority may also cause notice to be 8766
inserted in trade papers or other publications designated by it or 8767
to be distributed by electronic means, including posting the 8768
notice on the contracting authority's internet site on the world 8769
wide web. If the contracting authority posts the notice on that 8770
location on the world wide web, it may eliminate the second notice 8771
otherwise required to be published in a newspaper of general 8772
circulation within the county, provided that the first notice 8773
published in such a newspaper meets all of the following 8774
requirements: 8775

(1) It is published at least two weeks before the opening of 8776
bids. 8777

(2) It includes a statement that the notice is posted on the contracting authority's internet site on the world wide web. 8778
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(3) It includes the internet address of the contracting authority's internet site on the world wide web. 8780
8781

(4) It includes instructions describing how the notice may be accessed on the contracting authority's internet site on the world wide web. 8782
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8784

(B) Notices shall state all of the following: 8785

(1) A general description of the subject of the proposed contract and the time and place where the plans and specifications or itemized list of supplies, facilities, or equipment and estimated quantities can be obtained or examined; 8786
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(2) The time and place where bids will be opened; 8790

(3) The time and place for filing bids; 8791

(4) The terms of the proposed purchase; 8792

(5) Conditions under which bids will be received; 8793

(6) The existence of a system of preference, if any, for products mined and produced in Ohio and the United States adopted pursuant to section 307.90 of the Revised Code. 8794
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~~(B)~~(C) The contracting authority shall also maintain in a public place in its office or other suitable public place a bulletin board upon which it shall post and maintain a copy of such notice for at least two weeks preceding the day of the opening of the bids. 8797
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Sec. 307.93. (A) The boards of county commissioners of two or more adjacent counties may contract for the joint establishment of a multicounty correctional center, and the board of county commissioners of a county or the boards of two or more counties may contract with any municipal corporation or municipal 8802
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corporations located in that county or those counties for the 8807
joint establishment of a municipal-county or multicounty-municipal 8808
correctional center. The center shall augment county and, where 8809
applicable, municipal jail programs and facilities by providing 8810
custody and rehabilitative programs for those persons under the 8811
charge of the sheriff of any of the contracting counties or of the 8812
officer or officers of the contracting municipal corporation or 8813
municipal corporations having charge of persons incarcerated in 8814
the municipal jail, workhouse, or other correctional facility who, 8815
in the opinion of the sentencing court, need programs of custody 8816
and rehabilitation not available at the county or municipal jail 8817
and by providing custody and rehabilitative programs in accordance 8818
with division (C) of this section, if applicable. The contract may 8819
include, but need not be limited to, provisions regarding the 8820
acquisition, construction, maintenance, repair, termination of 8821
operations, and administration of the center. The contract shall 8822
prescribe the manner of funding of, and debt assumption for, the 8823
center and the standards and procedures to be followed in the 8824
operation of the center. Except as provided in division (H) of 8825
this section, the contracting counties and municipal corporations 8826
shall form a corrections commission to oversee the administration 8827
of the center. Members of the commission shall consist of the 8828
sheriff of each participating county, the president of the board 8829
of county commissioners of each participating county, the 8830
presiding judge of the court of common pleas of each participating 8831
county, or, if the court of common pleas of a participating county 8832
has only one judge, then that judge, the chief of police of each 8833
participating municipal corporation, the mayor or city manager of 8834
each participating municipal corporation, and the presiding judge 8835
or the sole judge of the municipal court of each participating 8836
municipal corporation. Any of the foregoing officers may appoint a 8837
designee to serve in the officer's place on the corrections 8838
commission. The standards and procedures shall be formulated and 8839

agreed to by the commission and may be amended at any time during 8840
the life of the contract by agreement of the parties to the 8841
contract upon the advice of the commission. The standards and 8842
procedures formulated by the commission shall include, but need 8843
not be limited to, designation of the person in charge of the 8844
center, the categories of employees to be employed at the center, 8845
the appointing authority of the center, and the standards of 8846
treatment and security to be maintained at the center. The person 8847
in charge of, and all persons employed to work at, the center 8848
shall have all the powers of police officers that are necessary 8849
for the proper performance of the duties relating to their 8850
positions at the center. 8851

(B) Each board of county commissioners that enters a contract 8852
under division (A) of this section may appoint a building 8853
commission pursuant to section 153.21 of the Revised Code. If any 8854
commissions are appointed, they shall function jointly in the 8855
construction of a multicounty or multicounty-municipal 8856
correctional center with all the powers and duties authorized by 8857
law. 8858

(C) Prior to the acceptance for custody and rehabilitation 8859
into a center established under this section of any persons who 8860
are designated by the department of rehabilitation and correction, 8861
who plead guilty to or are convicted of a felony of the fourth or 8862
fifth degree, and who satisfy the other requirements listed in 8863
section 5120.161 of the Revised Code, the corrections commission 8864
of a center established under this section shall enter into an 8865
agreement with the department of rehabilitation and correction 8866
under section 5120.161 of the Revised Code for the custody and 8867
rehabilitation in the center of persons who are designated by the 8868
department, who plead guilty to or are convicted of a felony of 8869
the fourth or fifth degree, and who satisfy the other requirements 8870
listed in that section, in exchange for a per diem fee per person. 8871

Persons incarcerated in the center pursuant to an agreement 8872
entered into under this division shall be subject to supervision 8873
and control in the manner described in section 5120.161 of the 8874
Revised Code. This division does not affect the authority of a 8875
court to directly sentence a person who is convicted of or pleads 8876
guilty to a felony to the center in accordance with section 8877
2929.16 of the Revised Code. 8878

(D) Pursuant to section 2929.37 of the Revised Code, each 8879
board of county commissioners and the legislative authority of 8880
each municipal corporation that enters into a contract under 8881
division (A) of this section may require a person who was 8882
convicted of an offense, who is under the charge of the sheriff of 8883
their county or of the officer or officers of the contracting 8884
municipal corporation or municipal corporations having charge of 8885
persons incarcerated in the municipal jail, workhouse, or other 8886
correctional facility, and who is confined in the multicounty, 8887
municipal-county, or multicounty-municipal correctional center as 8888
provided in that division, to reimburse the applicable county or 8889
municipal corporation for its expenses incurred by reason of the 8890
person's confinement in the center. 8891

(E) Notwithstanding any contrary provision in this section or 8892
section 2929.18, 2929.21, 2929.36, or 2929.37 of the Revised Code, 8893
the corrections commission of a center may establish a policy that 8894
complies with section 2929.38 of the Revised Code and that 8895
requires any person who is not indigent and who is confined in the 8896
multicounty, municipal-county, or multicounty-municipal 8897
correctional center to pay a reception fee, a fee for medical 8898
treatment or service requested by and provided to that person, or 8899
the fee for a random drug test assessed under division (E) of 8900
section 341.26 of the Revised Code. 8901

(F)(1) The corrections commission of a center established 8902
under this section may establish a commissary for the center. The 8903

commissary may be established either in-house or by another 8904
arrangement. If a commissary is established, all persons 8905
incarcerated in the center shall receive commissary privileges. A 8906
person's purchases from the commissary shall be deducted from the 8907
person's account record in the center's business office. The 8908
commissary shall provide for the distribution to indigent persons 8909
incarcerated in the center of necessary hygiene articles and 8910
writing materials. 8911

(2) If a commissary is established, the corrections 8912
commission of a center established under this section shall 8913
establish a commissary fund for the center. The management of 8914
funds in the commissary fund shall be strictly controlled in 8915
accordance with procedures adopted by the auditor of state. 8916
Commissary fund revenue over and above operating costs and reserve 8917
shall be considered profits. All profits from the commissary fund 8918
shall be used to purchase supplies and equipment for the benefit 8919
of persons incarcerated in the center and to pay salary and 8920
benefits for employees of the center, or for any other persons, 8921
who work in or are employed for the sole purpose of providing 8922
service to the commissary. The corrections commission shall adopt 8923
rules and regulations for the operation of any commissary fund it 8924
establishes. 8925

(G) In lieu of forming a corrections commission to administer 8926
a multicounty correctional center or a municipal-county or 8927
multicounty-municipal correctional center, the boards of county 8928
commissioners and the legislative authorities of the municipal 8929
corporations contracting to establish the center may also agree to 8930
contract for the private operation and management of the center as 8931
provided in section 9.06 of the Revised Code, but only if the 8932
center houses only misdemeanor inmates. In order to enter into a 8933
contract under section 9.06 of the Revised Code, all the boards 8934
and legislative authorities establishing the center shall approve 8935

and be parties to the contract. 8936

(H) If a person who is convicted of or pleads guilty to an 8937
offense is sentenced to a term in a multicounty correctional 8938
center or a municipal-county or multicounty-municipal correctional 8939
center or is incarcerated in the center in the manner described in 8940
division (C) of this section, or if a person who is arrested for 8941
an offense, and who has been denied bail or has had bail set and 8942
has not been released on bail is confined in a multicounty 8943
correctional center or a municipal-county or multicounty-municipal 8944
correctional center pending trial, at the time of reception and at 8945
other times the officer, officers, or other person in charge of 8946
the operation of the center determines to be appropriate, the 8947
officer, officers, or other person in charge of the operation of 8948
the center may cause the convicted or accused offender to be 8949
examined and tested for tuberculosis, HIV infection, hepatitis, 8950
including but not limited to hepatitis A, B, and C, and other 8951
contagious diseases. The officer, officers, or other person in 8952
charge of the operation of the center may cause a convicted or 8953
accused offender in the center who refuses to be tested or treated 8954
for tuberculosis, HIV infection, hepatitis, including but not 8955
limited to hepatitis A, B, and C, or another contagious disease to 8956
be tested and treated involuntarily. 8957

(I) As used in this section, "multicounty-municipal" means 8958
more than one county and a municipal corporation, or more than one 8959
municipal corporation and a county, or more than one municipal 8960
corporation and more than one county. 8961

Sec. 307.98. ~~Each board~~ Boards of county commissioners ~~shall~~ 8962
~~may~~ enter into a one or more written ~~partnership agreement~~ fiscal 8963
agreements with the director of job and family services in 8964
accordance with section 5101.21 of the Revised Code. ~~Prior to~~ 8965
~~entering into or substantially amending the agreement, the board~~ 8966

~~shall conduct a public hearing and consult with the county family services planning committee established under section 329.06 of the Revised Code. Through the hearing and consultation, the board shall obtain comments and recommendations concerning what would be the county's obligations and responsibilities under the agreement or amendment. As evidence that the board consulted with the county family services planning committee, the committee's chair shall sign a letter confirming that the consultation occurred, which shall be attached to the partnership agreement and any substantial amendments to the agreement. If a board enters into a fiscal agreement, the board shall enter into the agreement on behalf of the county family services agencies, other than a county family services agency that is a county signer as defined in section 5101.21 of the Revised Code.~~

Sec. 307.981. (A)(1) As used in the Revised Code: 8981

(a) "County family services agency" means all of the following: 8982
8983

(i) A child support enforcement agency; 8984

(ii) A county department of job and family services; 8985

(iii) A public children services agency. 8986

(b) "Family services duty" means a duty state law requires or allows a county family services agency to assume, including financial and general administrative duties. "Family services duty" does not include a duty funded by the United States department of labor.

(2) As used in sections 307.981 to 307.989 of the Revised Code, "private entity" means an entity other than a government entity. 8992
8993
8994

(B) To the extent permitted by federal law, including, when applicable, subpart F of 5 C.F.R. part 900, and subject to any 8995
8996

limitations established by the Revised Code, including division 8997
(H) of this section, a board of county commissioners may designate 8998
any private or government entity within this state to serve as any 8999
of the following: 9000

(1) A child support enforcement agency; 9001

(2) A county department of job and family services; 9002

(3) A public children services agency; 9003

(4) A county department of job and family services and one 9004
other of those county family services agencies; 9005

(5) All three of those county family services agencies; 9006

~~(6) A workforce development agency; 9007~~

~~(7) A workforce development agency and a county department of 9008
job and family services; 9009~~

~~(8) A workforce development agency and a county department of 9010
job and family services and one or two of the other county family 9011
services agencies. 9012~~

(C) A To the extent permitted by federal law, including, when 9013
applicable, subpart F of 5 C.F.R. part 900, and subject to any 9014
limitations of the Revised Code, including division (H) of this 9015
section, a board of county commissioners may change the 9016
designation it makes under division (B) of this section by 9017
designating another private or government entity. 9018

(D) ~~If the director of job and family services determines 9019
that a designation under division (B) or (C) of this section 9020
constitutes a ~~substantial~~ change from ~~what is the designation in~~ 9021
~~the current partnership~~ a fiscal agreement between the director of 9022
job and family services and the board ~~of county commissioners~~ 9023
~~under section 5101.21 of the Revised Code,~~ the director may 9024
require that the director and board amend the ~~partnership~~ fiscal 9025
agreement and that the board provide the director written 9026~~

assurances that the newly designated private or government entity 9027
will meet or exceed all requirements of the family services duties 9028
~~or workforce development activities~~ the entity is to assume. 9029

(E) Not less than sixty days before a board of county 9030
commissioners designates an entity under division (B) or (C) of 9031
this section, the board shall notify the director of job and 9032
family services and publish notice in a newspaper of general 9033
circulation in the county of the board's intention to make the 9034
designation and reasons for the designation. 9035

(F) A board of county commissioners shall enter into a 9036
written contract with each entity it designates under division (B) 9037
or (C) of this section specifying the entity's responsibilities 9038
and standards the entity is required to meet. 9039

(G) This section does not require a board of county 9040
commissioners to abolish the child support enforcement agency, 9041
county department of job and family services, or public children 9042
services agency serving the county on October 1, 1997, and 9043
designate a different private or government entity to serve as the 9044
county's child support enforcement agency, county department of 9045
job and family services, or public children services agency. 9046

(H) If a county children services board appointed under 9047
section 5153.03 of the Revised Code serves as a public children 9048
services agency for a county, the board of county commissioners 9049
may not redesignate the public children services agency unless the 9050
board of county commissioners does all of the following: 9051

(1) Notifies the county children services board of its intent 9052
to redesignate the public children services agency. In its 9053
notification, the board of county commissioners shall provide the 9054
county children services board a written explanation of the 9055
administrative, fiscal, or performance considerations causing the 9056
board of county commissioners to seek to redesignate the public 9057

children services agency. 9058

(2) Provides the county children services board an 9059
opportunity to comment on the proposed redesignation before the 9060
redesignation occurs; 9061

(3) If the county children services board, not more than 9062
sixty days after receiving the notice under division (H)(1) of 9063
this section, notifies the board of county commissioners that the 9064
county children services board has voted to oppose the 9065
redesignation, votes unanimously to proceed with the 9066
redesignation. 9067

Sec. 307.987. To the extent federal ~~statutes and regulations~~ 9068
and state law permit, ~~a partnership agreement entered into under~~ 9069
~~section 307.987~~, a contract entered into under section 307.981 or 9070
307.982, a plan of cooperation entered into under section 307.983, 9071
a regional plan of cooperation entered into under section 307.984, 9072
a transportation work plan developed under section 307.985, and 9073
procedures established under section 307.986 of the Revised Code 9074
shall permit the exchange of information needed to improve 9075
services and assistance to individuals and families and the 9076
protection of children. A private or government entity that 9077
receives information pursuant to ~~an agreement~~, a contract, plan, 9078
or procedures is bound by the same standards of confidentiality as 9079
the entity that provides the information. 9080

~~An agreement~~, A contract, plan, or procedures shall: 9081

(A) Be coordinated and not conflict with another ~~agreement~~, 9082
contract, plan, or procedures or an agreement entered into under 9083
section 329.05 of the Revised Code; 9084

(B) Prohibit discrimination in hiring and promotion against 9085
applicants for and participants of the Ohio works first program 9086
established under Chapter 5107. of the Revised Code and the 9087

prevention, retention, and contingency program established under 9088
Chapter 5108. of the Revised Code; 9089

(C) Comply with federal ~~statutes and regulations~~ and state 9090
law; 9091

(D) Be adopted by resolution of a board of county 9092
commissioners; 9093

(E) Specify how the ~~agreement~~, contract, plan, or procedures 9094
may be amended. 9095

Sec. 311.17. For the services specified in this section, the 9096
sheriff shall charge the following fees, which the court or its 9097
clerk ~~thereof~~ shall tax in the bill of costs against the judgment 9098
debtor or those legally liable therefor for the judgment: 9099

(A) For the service and return of the following writs and 9100
orders: 9101

(1) Execution: 9102

(a) When money is paid without levy or when no property is 9103
found, ~~five~~ twenty dollars; 9104

(b) When levy is made on real property, for the first tract, 9105
~~twenty~~ twenty-five dollars, and for each additional tract, ~~five~~ 9106
ten dollars; 9107

(c) When levy is made on goods and chattels, including 9108
inventory, ~~twenty-five~~ fifty dollars. 9109

(2) Writ of attachment of property, except for purpose of 9110
garnishment, ~~twenty~~ forty dollars; 9111

(3) Writ of attachment for the purpose of garnishment, ~~five~~ 9112
ten dollars; 9113

(4) Writ of replevin, ~~twenty~~ forty dollars; 9114

(5) Warrant to arrest, for each person named in the writ, 9115

five <u>ten</u> dollars;	9116
(6) Attachment for contempt, for each person named in the writ, three <u>six</u> dollars;	9117 9118
(7) Writ of possession or restitution, twenty <u>sixty</u> dollars;	9119
(8) Subpoena, for each person named in the writ, if in either a civil or criminal case three, six <u>dollars, if in a criminal case one dollar;</u>	9120 9121 9122
(9) Venire, for each person named in the writ, if in either a civil or criminal case three, six <u>dollars, if in a criminal case one dollar;</u>	9123 9124 9125
(10) Summoning each juror, other than on venire, if in either a civil or criminal case three, six <u>dollars, if in a criminal case one dollar;</u>	9126 9127 9128
(11) Writ of partition, fifteen <u>twenty-five</u> dollars;	9129
(12) Order of sale on partition, for the first tract, twenty-five <u>fifty</u> dollars, and for each additional tract, five <u>twenty-five</u> dollars;	9130 9131 9132
(13) Other order of sale of real property, for the first tract, twenty <u>fifty</u> dollars, and for each additional tract, five <u>twenty-five</u> dollars;	9133 9134 9135
(14) Administering oath to appraisers, one dollar and fifty cents <u>three dollars</u> each;	9136 9137
(15) Furnishing copies for advertisements, fifty cents <u>one dollar</u> for each hundred words;	9138 9139
(16) Copy of indictment, for each defendant, two <u>five</u> dollars;	9140 9141
(17) All summons, writs, orders, or notices, for the first name, three <u>six</u> dollars, and for each additional name, fifty cents <u>one dollar.</u>	9142 9143 9144

(B) In addition to the fee for service and return, the	9145
sheriff may charge:	9146
(1) On each summons, writ, order, or notice, a fee of fifty	9147
cents <u>one dollar</u> per mile for the first mile, and twenty <u>fifty</u>	9148
cents per mile for each additional mile, going and returning,	9149
actual mileage to be charged on each additional name;	9150
(2) Taking bail bond, one dollar <u>three dollars</u> ;	9151
(3) Jail fees, as follows:	9152
(a) For receiving a prisoner, four <u>five</u> dollars <u>each time a</u>	9153
<u>prisoner is received</u> , and for discharging or surrendering a	9154
prisoner, four <u>five</u> dollars; <u>each time a prisoner is discharged or</u>	9155
<u>surrendered. The departure or return of a prisoner from or to a</u>	9156
<u>jail in connection with a program established under section</u>	9157
<u>5147.28 of the Revised Code is not a receipt, discharge, or</u>	9158
<u>surrender of the prisoner for purposes of this division.</u>	9159
(b) Taking a prisoner before a judge or court, per day, three	9160
<u>five</u> dollars;	9161
(c) Calling action, fifty cents <u>one dollar</u> ;	9162
(d) Calling jury, one dollar <u>three dollars</u> ;	9163
(e) Calling each witness, one dollar <u>three dollars</u> ;	9164
(f) Bringing prisoner before court on habeas corpus, four <u>six</u>	9165
dollars;.	9166
(4) Poundage on all moneys actually made and paid to the	9167
sheriff on execution, decree, or sale of real estate, one <u>and</u>	9168
<u>one-half</u> per cent;	9169
(5) Making and executing a deed of land sold on execution,	9170
decree, or order of the court, to be paid by the purchaser,	9171
twenty-five <u>fifty</u> dollars.	9172
When any of the foregoing services <u>described in division (A)</u>	9173

or (B) of this section are rendered by an officer or employee, 9174
whose salary or per diem compensation is paid by the county, the 9175
applicable legal fees and any other extraordinary expenses, 9176
including overtime, provided for ~~such the service in this section~~ 9177
shall be taxed in the costs in the case, and, when ~~such fees are~~ 9178
collected ~~they,~~ shall be paid into the general fund of the county. 9179

The sheriff shall charge the same fees for the execution of 9180
process issued in any other state as ~~he~~ the sheriff charges for 9181
the execution of process of a substantively similar nature that is 9182
issued in this state. 9183

Sec. 317.32. The county recorder shall charge and collect the 9184
following fees, to include base fees for the recorder's services 9185
and housing trust fund fees, collected pursuant to section 317.36 9186
of the Revised Code: 9187

(A) For recording and indexing an instrument when the 9188
photocopy or any similar process is employed, a base fee of 9189
fourteen dollars for the first two pages and a housing trust fund 9190
fee of fourteen dollars, and a base fee of four dollars and a 9191
housing trust fund fee of four dollars for each subsequent page, 9192
size eight and one-half inches by fourteen inches, or fraction of 9193
a page, including the caption page, of such instrument; 9194

(B) For certifying a photocopy from the record previously 9195
recorded, a base fee of one dollar and a housing trust fund fee of 9196
one dollar per page, size eight and one-half inches by fourteen 9197
inches, or fraction of a page; for each certification where the 9198
recorder's seal is required, except as to instruments issued by 9199
the armed forces of the United States, a base fee of fifty cents 9200
and a housing trust fund fee of fifty cents; 9201

(C) For manual or typewritten recording of assignment or 9202
satisfaction of mortgage or lease or any other marginal entry, a 9203
base fee of four dollars and a housing trust fund fee of four 9204

<u>dollars;</u>	9205
(D) For entering any marginal reference by separate recorded instrument, <u>a base fee of two dollars and a housing trust fund fee of two dollars</u> for each marginal reference set out in that instrument, in addition to the recording fee fees set forth in division (A) of this section;	9206 9207 9208 9209 9210
(E) For indexing in the real estate mortgage records, pursuant to section 1309.519 of the Revised Code, financing statements covering crops growing or to be grown, timber to be cut, minerals or the like, including oil and gas, accounts subject to section 1309.301 of the Revised Code, or fixture filings made pursuant to section 1309.334 of the Revised Code, <u>a base fee of two dollars and a housing trust fund fee of two dollars</u> for each name indexed;	9211 9212 9213 9214 9215 9216 9217 9218
(F) For recording manually any plat not exceeding six lines, <u>a base fee of two dollars and a housing trust fund fee of two dollars</u> , and for each additional line, <u>a base fee of ten cents and a housing trust fund fee of ten cents;</u>	9219 9220 9221 9222
(G) For filing zoning resolutions, including text and maps, in the office of the recorder as required under sections 303.11 and 519.11 of the Revised Code, <u>a base fee of fifty dollars and a housing trust fund fee of fifty dollars</u> , regardless of the size or length of the resolutions;	9223 9224 9225 9226 9227
(H) For filing zoning amendments, including text and maps, in the office of the recorder as required under sections 303.12 and 519.12 of the Revised Code, <u>a base fee of ten dollars and a housing trust fund fee of ten dollars</u> for the first page and <u>a base fee of four dollars and a housing trust fund fee of four dollars</u> for each additional page;	9228 9229 9230 9231 9232 9233
(I) For photocopying a document, other than at the time of recording and indexing as provided for in division (A) of this	9234 9235

section, a base fee of one dollar and a housing trust fund fee of 9236
one dollar per page, size eight and one-half inches by fourteen 9237
inches, or fraction thereof; 9238

(J) For local facsimile transmission of a document, a base 9239
fee of one dollar and a housing trust fund fee of one dollar per 9240
page, size eight and one-half inches by fourteen inches, or 9241
fraction thereof; for long distance facsimile transmission of a 9242
document, a base fee of two dollars and a housing trust fund fee 9243
of two dollars per page, size eight and one-half inches by 9244
fourteen inches, or fraction thereof; 9245

(K) For recording a declaration executed pursuant to section 9246
2133.02 of the Revised Code or a durable power of attorney for 9247
health care executed pursuant to section 1337.12 of the Revised 9248
Code, or both a declaration and a durable power of attorney for 9249
health care, a base fee of at least fourteen dollars but not more 9250
than twenty dollars and a housing trust fund fee of at least 9251
fourteen dollars but not more than twenty dollars. 9252

In any county in which the recorder employs the photostatic 9253
or any similar process for recording maps, plats, or prints the 9254
recorder shall determine, charge, and collect for the recording or 9255
rerecording of any map, plat, or print, a base fee of five cents 9256
and a housing trust fund fee of five cents per square inch, for 9257
each square inch of the map, plat, or print filed for that 9258
recording or rerecording, with a minimum base fee of twenty 9259
dollars and a minimum housing trust fund fee of twenty dollars; 9260
for certifying a copy from the record, a base fee of two cents and 9261
a housing trust fund fee of two cents per square inch of the 9262
record, with a minimum base fee of two dollars and a minimum 9263
housing trust fund fee of two dollars. 9264

The fees provided in this section shall be paid upon the 9265
presentation of the instruments for record or upon the application 9266
for any certified copy of the record, except that the payment of 9267

fees associated with the filing and recording of, or the copying 9268
of, notices of internal revenue tax liens and notices of other 9269
liens in favor of the United States as described in division (A) 9270
of section 317.09 of the Revised Code and certificates of 9271
discharge or release of those liens, shall be governed by section 9272
317.09 of the Revised Code, and the payment of fees for providing 9273
copies of instruments conveying or extinguishing agricultural 9274
easements to the office of farmland preservation in the department 9275
of agriculture under division (G) of section 5301.691 of the 9276
Revised Code shall be governed by that division. 9277

Sec. 317.36. (A) The county recorder shall collect the low- 9278
and moderate-income housing trust fund fee as specified in 9279
sections 317.32, 1563.42, 1702.59, 2505.13, 4141.23, 4509.60, 9280
5111.021, 5310.15, 5719.07, 5727.56, 5733.18, 5733.22, 6101.09, 9281
and 6115.09 of the Revised Code. The amount of any housing trust 9282
fund fee the recorder is authorized to collect is equal to the 9283
amount of any base fee the recorder is authorized to collect for 9284
services. The housing trust fund fee shall be collected in 9285
addition to the base fee. 9286

(B) The recorder shall certify the amounts collected as 9287
housing trust fund fees pursuant to division (A) of this section 9288
into the county treasury as housing trust fund fees to be paid to 9289
the treasurer of state pursuant to section 319.63 of the Revised 9290
Code. 9291

Sec. 319.63. (A) During the first thirty days of each 9292
calendar quarter, the county auditor shall pay to the treasurer of 9293
state all amounts that the county recorder collected as housing 9294
trust fund fees pursuant to section 317.36 of the Revised Code 9295
during the previous calendar quarter. If payment is made to the 9296
treasurer of state within the first thirty days of the quarter, 9297
the county auditor may retain an administrative fee of one per 9298

cent of the amount of the trust fund fees collected during the 9299
previous calendar quarter. 9300

(B) The treasurer of state shall deposit the first fifty 9301
million dollars of housing trust fund fees received each year 9302
pursuant to this section into the low- and moderate-income housing 9303
trust fund, created under section 175.21 of the Revised Code, and 9304
shall deposit any amounts received each year in excess of fifty 9305
million dollars into the state general revenue fund. 9306

(C) The county auditor shall deposit the administrative fee 9307
that the auditor is permitted to retain pursuant to division (A) 9308
of this section into the county general fund for the county 9309
recorder to use in administering the trust fund fee. 9310

Sec. 321.24. (A) On or before the fifteenth day of February, 9311
in each year, the county treasurer shall settle with the county 9312
auditor for all taxes and assessments that the treasurer has 9313
collected on the general duplicate of real and public utility 9314
property at the time of making the settlement. 9315

(B) On or before the thirtieth day of June, in each year, the 9316
treasurer shall settle with the auditor for all advance payments 9317
of general personal and classified property taxes that the 9318
treasurer has received at the time of making the settlement. 9319

(C) On or before the tenth day of August, in each year, the 9320
treasurer shall settle with the auditor for all taxes and 9321
assessments that the treasurer has collected on the general 9322
duplicates of real and public utility property at the time of 9323
making such settlement, not included in the preceding February 9324
settlement. 9325

(D) On or before the thirty-first day of October, in each 9326
year, the treasurer shall settle with the auditor for all taxes 9327
that the treasurer has collected on the general personal and 9328

classified property duplicates, and for all advance payments of 9329
general personal and classified property taxes, not included in 9330
the preceding June settlement, that the treasurer has received at 9331
the time of making such settlement. 9332

(E) In the event the time for the payment of taxes is 9333
extended, pursuant to section 323.17 of the Revised Code, the date 9334
on or before which settlement for the taxes so extended must be 9335
made, as herein prescribed, shall be deemed to be extended for a 9336
like period of time. At each such settlement, the auditor shall 9337
allow to the treasurer, on the moneys received or collected and 9338
accounted for by the treasurer, the treasurer's fees, at the rate 9339
or percentage allowed by law, at a full settlement of the 9340
treasurer. 9341

(F) Within thirty days after the day of each settlement of 9342
taxes required under divisions (A) and (C) of this section, the 9343
treasurer shall certify to the tax commissioner any adjustments 9344
which have been made to the amount certified previously pursuant 9345
to section 319.302 of the Revised Code and that the settlement has 9346
been completed. Upon receipt of such certification, the 9347
commissioner shall provide for payment to the county treasurer 9348
from the general revenue fund of an amount equal to one-half of 9349
the amount certified by the treasurer in the preceding tax year 9350
under section 319.302 of the Revised Code, less one-half of the 9351
amount computed for all taxing districts in that county for the 9352
current fiscal year under section 5703.80 of the Revised Code for 9353
crediting to the property tax administration fund. Such payment 9354
shall be credited upon receipt to the county's undivided income 9355
tax fund, and the county auditor shall transfer to the county 9356
general fund from the amount thereof the total amount of all fees 9357
and charges which the auditor and treasurer would have been 9358
authorized to receive had such section not been in effect and that 9359
amount had been levied and collected as taxes. The county auditor 9360

shall distribute the amount remaining among the various taxing 9361
districts in the county as if it had been levied, collected, and 9362
settled as real property taxes. The amount distributed to each 9363
taxing district shall be reduced by the total of the amounts 9364
computed for the district under divisions (A), (B), and (C) of 9365
section 5703.80 of the Revised Code, but the reduction shall not 9366
exceed the amount that otherwise would be distributed to the 9367
taxing district under this division. The tax commissioner shall 9368
make available to taxing districts such information as is 9369
sufficient for a taxing district to be able to determine the 9370
amount of the reduction in its distribution under this section. 9371

(G)(1) Within thirty days after the day of the settlement 9372
required in division (D) of this section, the county treasurer 9373
shall ~~certify to~~ notify the tax commissioner that the settlement 9374
has been completed. Upon receipt of that ~~certification~~ 9375
notification, the commissioner shall provide for payment to the 9376
county treasurer from the general revenue fund of an amount equal 9377
to the amount certified under former section 319.311 of the 9378
Revised Code ~~in the current year and paid in the state's fiscal~~ 9379
year 2003 multiplied by the percentage specified in division 9380
(G)(2) of this section. The payment shall be credited upon receipt 9381
to the county's undivided income tax fund, and the county auditor 9382
shall distribute the amount thereof among the various taxing 9383
districts of the county as if it had been levied, collected, and 9384
settled as personal property taxes. The amount received by a 9385
taxing district under this division shall be apportioned among its 9386
funds in the same proportion as the current year's personal 9387
property taxes are apportioned. 9388

(2) Payments required under division (G)(1) of this section 9389
shall be made at the following percentages of the amount certified 9390
under former section 319.311 of the Revised Code and paid under 9391
division (G)(1) of this section in the state's fiscal year 2003: 9392

<u>(a) In fiscal year 2004, ninety per cent;</u>	9393
<u>(b) In fiscal year 2005, eighty per cent;</u>	9394
<u>(c) In fiscal year 2006, seventy per cent;</u>	9395
<u>(d) In fiscal year 2007, sixty per cent;</u>	9396
<u>(e) In fiscal year 2008, fifty per cent;</u>	9397
<u>(f) In fiscal year 2009, forty per cent;</u>	9398
<u>(g) In fiscal year 2010, thirty per cent;</u>	9399
<u>(h) In fiscal year 2011, twenty per cent;</u>	9400
<u>(i) In fiscal year 2012, ten per cent.</u>	9401
<u>After fiscal year 2012, no payments shall be made under</u>	9402
<u>division (G)(1) of this section.</u>	9403
(H)(1) On or before the fifteenth day of April each year, the	9404
county treasurer shall settle with the county auditor for all	9405
manufactured home taxes that the county treasurer has collected on	9406
the manufactured home tax duplicate at the time of making the	9407
settlement.	9408
(2) On or before the fifteenth day of September each year,	9409
the county treasurer shall settle with the county auditor for all	9410
remaining manufactured home taxes that the county treasurer has	9411
collected on the manufactured home tax duplicate at the time of	9412
making the settlement.	9413
(3) If the time for payment of such taxes is extended under	9414
section 4503.06 of the Revised Code, the time for making the	9415
settlement as prescribed by divisions (H)(1) and (2) of this	9416
section is extended for a like period of time.	9417
Sec. 323.01. Except as otherwise provided, as used in Chapter	9418
323. of the Revised Code:	9419
(A) "Subdivision" means any county, township, school	9420

district, or municipal corporation.	9421
(B) "Municipal corporation" includes charter municipalities.	9422
(C) "Taxes" means the total amount of all charges against an entry appearing on a tax list and the duplicate thereof that was prepared and certified in accordance with section 319.28 of the Revised Code, including taxes levied against real estate; taxes on property whose value is certified pursuant to section 5727.23 of the Revised Code; recoupment charges applied pursuant to section 5713.35 of the Revised Code; all assessments; penalties and interest charged pursuant to section 323.121 of the Revised Code; charges added pursuant to section 319.35 of the Revised Code; and all of such charges which remain unpaid from any previous tax year.	9423 9424 9425 9426 9427 9428 9429 9430 9431 9432 9433
(D) "Current taxes" means all taxes charged against an entry on the general tax list and duplicate of real and public utility property that have not appeared on such list and duplicate for any prior tax year and any penalty thereon charged by division (A) of section 323.121 of the Revised Code. Current taxes, whether or not they have been certified delinquent, become delinquent taxes if they remain unpaid after the last day prescribed for payment of the second installment of current taxes without penalty.	9434 9435 9436 9437 9438 9439 9440 9441
(E) "Delinquent taxes" means:	9442
(1) Any taxes charged against an entry on the general tax list and duplicate of real and public utility property that were charged against an entry on such list and duplicate for a prior tax year and any penalties and interest charged against such taxes.	9443 9444 9445 9446 9447
(2) Any current taxes charged on the general tax list and duplicate of real and public utility property that remain unpaid after the last day prescribed for payment of the second installment of such taxes without penalty, whether or not they	9448 9449 9450 9451

have been certified delinquent, and any penalties and interest 9452
charged against such taxes. 9453

(F) "Current tax year" means, with respect to particular 9454
taxes, the calendar year in which the first installment of taxes 9455
is due prior to any extension granted under section 323.17 of the 9456
Revised Code. 9457

(G) "Liquidated claim" means: 9458

(1) Any sum of money due and payable, upon a written 9459
contractual obligation executed between the subdivision and the 9460
taxpayer, but excluding any amount due on general and special 9461
assessment bonds and notes; 9462

(2) Any sum of money due and payable, for disability 9463
financial assistance or disability medical assistance provided 9464
under Chapter 5115. of the Revised Code that is furnished to or in 9465
behalf of a subdivision, provided that such claim is recognized by 9466
a resolution or ordinance of the legislative body of such 9467
subdivision; 9468

(3) Any sum of money advanced and paid to or received and 9469
used by a subdivision, pursuant to a resolution or ordinance of 9470
such subdivision or its predecessor in interest, and the moral 9471
obligation to repay which sum, when in funds, shall be recognized 9472
by resolution or ordinance by the subdivision. 9473

Sec. 323.13. Except as provided in section 323.134 of the 9474
Revised Code, immediately upon receipt of any tax duplicate from 9475
the county auditor, but not less than twenty days prior to the 9476
last date on which the first one-half taxes may be paid without 9477
penalty as prescribed in section 323.12 or 323.17 of the Revised 9478
Code, the county treasurer shall cause to be prepared and mailed 9479
or delivered to each person charged on such duplicate with taxes 9480
or to an agent designated by such person, the tax bill prescribed 9481

by the commissioner of tax equalization under section 323.131 of 9482
the Revised Code. When taxes are paid by installments, the county 9483
treasurer shall mail or deliver to each person charged on such 9484
duplicate or the agent designated by such person, a second tax 9485
bill showing the amount due at the time of the second tax 9486
collection. The second half tax bill shall be mailed or delivered 9487
at least twenty days prior to the close of the second half tax 9488
collection period. 9489

After delivery of the delinquent land duplicate as prescribed 9490
in section 5721.011 of the Revised Code, the county treasurer may 9491
prepare and mail to each person in whose name property therein is 9492
listed an additional tax bill showing the total amount of 9493
delinquent taxes appearing on such duplicate against such 9494
property. The tax bill shall include a notice that the interest 9495
charge prescribed by division (B) of section 323.121 of the 9496
Revised Code has begun to accrue. 9497

A change in the mailing address of any tax bill shall be made 9498
in writing to the county treasurer. 9499

Upon certification by the county auditor of the apportionment 9500
of taxes following the transfer of a part of a tract or lot of 9501
real estate, and upon request by the owner of any transferred or 9502
remaining part of such tract or parcel, the treasurer shall cause 9503
to be prepared and mailed or delivered to such owner a tax bill 9504
for the taxes allocated to ~~his~~ the owner's part, together with the 9505
penalties, interest, and other charges. 9506

Failure to receive any bill required by this section does not 9507
excuse failure or delay to pay any taxes shown on such bill or, 9508
except as provided in division ~~(A)~~(B)(1) of section 5715.39 of the 9509
Revised Code, avoid any penalty, interest, or charge for such 9510
delay. 9511

Sec. 325.31. (A) On the first business day of each month, and 9512

at the end of the officer's term of office, each officer named in 9513
section 325.27 of the Revised Code shall pay into the county 9514
treasury, to the credit of the general county fund, on the warrant 9515
of the county auditor, all fees, costs, penalties, percentages, 9516
allowances, and perquisites collected by the officer's office 9517
during the preceding month or part thereof for official services, 9518
except the fees allowed the county auditor by division (B) of 9519
section 319.54 of the Revised Code, which shall be paid into the 9520
county treasury to the credit of the real estate assessment fund 9521
hereby created. 9522

(B) Moneys to the credit of the real estate assessment fund 9523
may be expended, upon appropriation by the board of county 9524
commissioners, for the purpose of defraying ~~the~~ one or more of the 9525
following: 9526

(1) The cost incurred by the county auditor in assessing real 9527
estate pursuant to Chapter 5713. of the Revised Code and 9528
manufactured and mobile homes pursuant to Chapter 4503. of the 9529
Revised Code, ~~and, at;~~ 9530

(2) At the county auditor's discretion, costs and expenses 9531
incurred by the county auditor in preparing the list of real and 9532
public utility property, in administering laws related to the 9533
taxation of real property and the levying of special assessments 9534
on real property, including administering reductions under 9535
Chapters 319. and 323. and section 4503.065 of the Revised Code, 9536
and to support assessments of real property in any administrative 9537
or judicial proceeding; 9538

(3) At the county auditor's discretion, the expenses incurred 9539
by the county board of revision under Chapter 5715. of the Revised 9540
Code. ~~Any;~~ 9541

(4) At the county auditor's discretion, the expenses incurred 9542
by the county auditor for geographic information systems, mapping 9543

programs, and technological advances in those or similar systems 9544
or programs; 9545

(5) At the county auditor's discretion, expenses incurred by 9546
the county auditor in compiling the general tax list of tangible 9547
personal property and administering tangible personal property 9548
taxes under Chapters 5711. and 5719. of the Revised Code; 9549

(6) At the county auditor's discretion, costs, expenses, and 9550
fees incurred by the county auditor in the administration of 9551
estate taxes under Chapter 5731. of the Revised Code. 9552

Any expenditures made from the real estate assessment fund 9553
shall comply with rules that the tax commissioner adopts under 9554
division (0) of section 5703.05 of the Revised Code. Those rules 9555
shall include a requirement that a copy of any appraisal plans, 9556
progress of work reports, contracts, or other documents required 9557
to be filed with the tax commissioner shall be filed also with the 9558
board of county commissioners. 9559

The board of county commissioners shall not transfer moneys 9560
required to be deposited in the real estate assessment fund to any 9561
other fund. Following an assessment of real property pursuant to 9562
Chapter 5713. of the Revised Code, or an assessment of a 9563
manufactured or mobile home pursuant to Chapter 4503. of the 9564
Revised Code, any moneys not expended for the purpose of defraying 9565
the cost incurred in assessing real estate or manufactured or 9566
mobile homes or for the purpose of defraying the expenses ~~of the~~ 9567
~~county board of revision~~ described in divisions (B)(2), (3), (4), 9568
(5), and (6) of this section, and thereby remaining to the credit 9569
of the real estate assessment fund, shall be apportioned ratably 9570
and distributed to those taxing authorities that contributed to 9571
the fund. However, no such distribution shall be made if the 9572
amount of such unexpended moneys remaining to the credit of the 9573
real estate assessment fund does not exceed five thousand dollars. 9574

(C) None of the officers named in section 325.27 of the Revised Code shall collect any fees from the county. Each of such officers shall, at the end of each calendar year, make and file a sworn statement with the board of county commissioners of all such fees, costs, penalties, percentages, allowances, and perquisites which have been due in the officer's office and unpaid for more than one year prior to the date such statement is required to be made.

Sec. 329.03. (A) As used in this section:

(1) "Applicant" or "recipient" means an applicant for or participant in the Ohio works first program established under Chapter 5107. of the Revised Code or an applicant for or recipient of disability financial assistance under Chapter 5115. of the Revised Code.

(2) "Voluntary direct deposit" means a system established pursuant to this section under which cash assistance payments to recipients who agree to direct deposit are made by direct deposit by electronic transfer to an account in a financial institution designated under this section.

(3) "Mandatory direct deposit" means a system established pursuant to this section under which cash assistance payments to all participants in the Ohio works first program or recipients of disability financial assistance, other than those exempt under division (E) of this section, are made by direct deposit by electronic transfer to an account in a financial institution designated under this section.

(B) A board of county commissioners may by adoption of a resolution require the county department of job and family services to establish a direct deposit system for distributing cash assistance payments under Ohio works first, disability

financial assistance, or both, unless the director of job and 9605
family services has provided for those payments to be made by 9606
electronic benefit transfer pursuant to section 5101.33 of the 9607
Revised Code. Voluntary or mandatory direct deposit may be applied 9608
to either of the programs. The resolution shall specify for each 9609
program for which direct deposit is to be established whether 9610
direct deposit is voluntary or mandatory. The board may require 9611
the department to change or terminate direct deposit by adopting a 9612
resolution to change or terminate it. Within ninety days after 9613
adopting a resolution under this division, the board shall certify 9614
one copy of the resolution to the director of job and family 9615
services and one copy to the office of budget and management. The 9616
director of job and family services may adopt rules governing 9617
establishment of direct deposit by county departments of job and 9618
family services. 9619

The county department of job and family services shall 9620
determine what type of account will be used for direct deposit and 9621
negotiate with financial institutions to determine the charges, if 9622
any, to be imposed by a financial institution for establishing and 9623
maintaining such accounts. Under voluntary direct deposit, the 9624
county department of job and family services may pay all charges 9625
imposed by a financial institution for establishing and 9626
maintaining an account in which direct deposits are made for a 9627
recipient. Under mandatory direct deposit, the county department 9628
of job and family services shall pay all charges imposed by a 9629
financial institution for establishing and maintaining such an 9630
account. No financial institution shall impose any charge for such 9631
an account that the institution does not impose on its other 9632
customers for the same type of account. Direct deposit does not 9633
affect the exemption of Ohio works first and disability financial 9634
assistance from attachment, garnishment, or other like process 9635
afforded by sections 5107.75 and ~~5115.07~~ 5115.06 of the Revised 9636
Code. 9637

(C) The county department of job and family services shall, 9638
within sixty days after a resolution requiring the establishment 9639
of direct deposit is adopted, establish procedures governing 9640
direct deposit. 9641

Within one hundred eighty days after the resolution is 9642
adopted, the county department shall: 9643

(1) Inform each applicant or recipient of the procedures 9644
governing direct deposit, including in the case of voluntary 9645
direct deposit those that prescribe the conditions under which a 9646
recipient may change from one method of payment to another; 9647

(2) Obtain from each applicant or recipient an authorization 9648
form to designate a financial institution equipped for and 9649
authorized by law to accept direct deposits by electronic transfer 9650
and the account into which the applicant or recipient wishes the 9651
payments to be made, or in the case of voluntary direct deposit 9652
states the applicant's or recipient's election to receive such 9653
payments in the form of a paper warrant. 9654

The department may require a recipient to complete a new 9655
authorization form whenever the department considers it necessary. 9656

A recipient's designation of a financial institution and 9657
account shall remain in effect until withdrawn in writing or 9658
dishonored by the financial institution, except that no change may 9659
be made in the authorization form until the next eligibility 9660
redetermination of the recipient unless the department feels that 9661
good grounds exist for an earlier change. 9662

(D) An applicant or recipient without an account who either 9663
agrees or is required to receive payments by direct deposit shall 9664
have ten days after receiving the authorization form to designate 9665
an account suitable for direct deposit. If within the required 9666
time the applicant or recipient does not make the designation or 9667
requests that the department make the designation, the department 9668

shall designate a financial institution and help the recipient to 9669
open an account. 9670

(E) At the time of giving an applicant or recipient the 9671
authorization form, the county department of job and family 9672
services of a county with mandatory direct deposit shall inform 9673
each applicant or recipient of the basis for exemption and the 9674
right to request exemption from direct deposit. 9675

Under mandatory direct deposit, an applicant or recipient who 9676
wishes to receive payments in the form of a paper warrant shall 9677
record on the authorization form a request for exemption under 9678
this division and the basis for the exemption. 9679

The department shall exempt from mandatory direct deposit any 9680
recipient who requests exemption and is any of the following: 9681

(1) Over age sixty-five; 9682

(2) Blind or disabled; 9683

(3) Likely, in the judgment of the department, to be caused 9684
personal hardship by direct deposit. 9685

A recipient granted an exemption under this division shall 9686
receive payments for which the recipient is eligible in the form 9687
of paper warrants. 9688

(F) The county department of job and family services shall 9689
bear the full cost of the amount of any replacement warrant issued 9690
to a recipient for whom an authorization form as provided in this 9691
section has not been obtained within one hundred eighty days after 9692
the later of the date the board of county commissioners adopts a 9693
resolution requiring payments of financial assistance by direct 9694
deposit to accounts of recipients of Ohio works first or 9695
disability financial assistance or the date the recipient made 9696
application for assistance, and shall not be reimbursed by the 9697
state for any part of the cost. Thereafter, the county department 9698

of job and family services shall continue to bear the full cost of 9699
each replacement warrant issued until the board of county 9700
commissioners requires the county department of job and family 9701
services to obtain from each such recipient the authorization 9702
forms as provided in this section. 9703

Sec. 329.04. (A) The county department of job and family 9704
services shall have, exercise, and perform the following powers 9705
and duties: 9706

(1) Perform any duties assigned by the state department of 9707
job and family services regarding the provision of public family 9708
services, including the provision of the following services to 9709
prevent or reduce economic or personal dependency and to 9710
strengthen family life: 9711

(a) Services authorized by a Title IV-A program, as defined 9712
in section 5101.80 of the Revised Code; 9713

(b) Social services authorized by Title XX of the "Social 9714
Security Act" and provided for by section 5101.46 of the Revised 9715
Code; 9716

(c) If the county department is designated as the child 9717
support enforcement agency, services authorized by Title IV-D of 9718
the "Social Security Act" and provided for by Chapter 3125. of the 9719
Revised Code. The county department may perform the services 9720
itself or contract with other government entities, and, pursuant 9721
to division (C) of section 2301.35 and section 2301.42 of the 9722
Revised Code, private entities, to perform the Title IV-D 9723
services. 9724

(2) Administer disability financial assistance ~~under Chapter~~ 9725
~~5115. of the Revised Code,~~ as required by the state department of 9726
job and family services under section 5115.03 of the Revised Code; 9727

(3) Administer disability medical assistance, as required by 9728

<u>the state department of job and family services under section</u>	9729
<u>5115.13 of the Revised Code;</u>	9730
(3) <u>(4)</u> Administer burials insofar as the administration of	9731
burials was, prior to September 12, 1947, imposed upon the board	9732
of county commissioners and if otherwise required by state law;	9733
(4) <u>(5)</u> Cooperate with state and federal authorities in any	9734
matter relating to family services and to act as the agent of such	9735
authorities;	9736
(5) <u>(6)</u> Submit an annual account of its work and expenses to	9737
the board of county commissioners and to the state department of	9738
job and family services at the close of each fiscal year;	9739
(6) <u>(7)</u> Exercise any powers and duties relating to family	9740
services <u>duties</u> or workforce development activities imposed upon	9741
the county department of job and family services by law, by	9742
resolution of the board of county commissioners, or by order of	9743
the governor, when authorized by law, to meet emergencies during	9744
war or peace;	9745
(7) <u>(8)</u> Determine the eligibility for medical assistance of	9746
recipients of aid under Title XVI of the "Social Security Act";	9747
(8) <u>(9)</u> If assigned by the state director of job and family	9748
services under section 5101.515 of the Revised Code, determine	9749
applicants' eligibility for health assistance under the children's	9750
health insurance program part II;	9751
(9) <u>(10)</u> Enter into a plan of cooperation with the board of	9752
county commissioners under section 307.983, consult with the board	9753
in the development of the transportation work plan developed under	9754
section 307.985, establish with the board procedures under section	9755
307.986 for providing services to children whose families relocate	9756
frequently, and comply with the contracts the board enters into	9757
under sections 307.981 and 307.982 of the Revised Code that affect	9758
the county department;	9759

~~(10)~~(11) For the purpose of complying with a ~~partnership~~ 9760
fiscal agreement the board of county commissioners enters into 9761
under section 307.98 of the Revised Code, exercise the powers and 9762
perform the duties the ~~partnership~~ fiscal agreement assigns to the 9763
county department; 9764

~~(11)~~(12) If the county department is designated as the 9765
workforce development agency, provide the workforce development 9766
activities specified in the contract required by section 330.05 of 9767
the Revised Code. 9768

(B) The powers and duties of a county department of job and 9769
family services are, and shall be exercised and performed, under 9770
the control and direction of the board of county commissioners. 9771
The board may assign to the county department any power or duty of 9772
the board regarding family services duties and workforce 9773
development activities. If the new power or duty necessitates the 9774
state department of job and family services changing its federal 9775
cost allocation plan, the county department may not implement the 9776
power or duty unless the United States department of health and 9777
human services approves the changes. 9778

Sec. 329.05. The county department of job and family services 9779
may administer or assist in administering any state or local 9780
family services ~~activity~~ duty in addition to those mentioned in 9781
section 329.04 of the Revised Code, supported wholly or in part by 9782
public funds from any source provided by agreement between the 9783
board of county commissioners and the officer, department, board, 9784
or agency in which the administration of such activity is vested. 9785
Such officer, department, board, or agency may enter into such 9786
agreement and confer upon the county department of job and family 9787
services, to the extent and in particulars specified in the 9788
agreement, the performance of any duties and the exercise of any 9789
powers imposed upon or vested in such officer, board, department, 9790

or agency, with respect to the administration of such activity. 9791
Such agreement shall be in the form of a resolution of the board 9792
of county commissioners, accepted in writing by the other party to 9793
the agreement, and filed in the office of the county auditor, and 9794
when so filed, shall have the effect of transferring the exercise 9795
of the powers and duties to which the agreement relates and shall 9796
exempt the other party from all further responsibility for the 9797
exercise of the powers and duties so transferred, during the life 9798
of the agreement. 9799

Such agreement shall be coordinated and not conflict with a 9800
~~partnership~~ fiscal agreement entered into under section 307.98, a 9801
contract entered into under section 307.981 or 307.982, a plan of 9802
cooperation entered into under section 307.983, a regional plan of 9803
cooperation entered into under section 307.984, a transportation 9804
work plan developed under section 307.985, or procedures for 9805
providing services to children whose families relocate frequently 9806
established under section 307.986 of the Revised Code. It may be 9807
revoked at the option of either party, by a resolution or order of 9808
the revoking party filed in the office of the auditor. Such 9809
revocation shall become effective at the end of the fiscal year 9810
occurring at least six months following the filing of the 9811
resolution or order. In the absence of such an express revocation 9812
so filed, the agreement shall continue indefinitely. 9813

This section does not permit a county department of job and 9814
family services to manage or control hospitals, humane societies, 9815
detention facilities, jails or probation departments of courts, or 9816
veterans service commissions. 9817

Sec. 329.051. The county department of job and family 9818
services shall make voter registration applications as prescribed 9819
by the secretary of state under section 3503.10 of the Revised 9820
Code available to persons who are applying for, receiving 9821

assistance from, or participating in any of the following:	9822
(A) The disability <u>financial</u> assistance program established	9823
under Chapter 5115. of the Revised Code;	9824
(B) <u>The disability medical assistance program established</u>	9825
<u>under Chapter 5115. of the Revised Code;</u>	9826
(C) The medical assistance program established under Chapter	9827
5111. of the Revised Code;	9828
(C) (D) The Ohio works first program established under Chapter	9829
5107. of the Revised Code;	9830
(D) (E) The prevention, retention, and contingency program	9831
established under Chapter 5108. of the Revised Code.	9832
Sec. 329.06. (A) Except as provided in division (C) of this	9833
section and section 6301.08 of the Revised Code, the board of	9834
county commissioners shall establish a county family services	9835
planning committee. The board shall appoint a member to represent	9836
the county department of job and family services; an employee in	9837
the classified civil service of the county department of job and	9838
family services, if there are any such employees; and a member to	9839
represent the public. The board shall appoint other individuals to	9840
the committee in such a manner that the committee's membership is	9841
broadly representative of the groups of individuals and the public	9842
and private entities that have an interest in the family services	9843
provided in the county. The board shall make appointments in a	9844
manner that reflects the ethnic and racial composition of the	9845
county. The following groups and entities may be represented on	9846
the committee:	9847
(1) Consumers of family services;	9848
(2) The public children services agency;	9849
(3) The child support enforcement agency;	9850

(4) The county family and children first council;	9851
(5) Public and private colleges and universities;	9852
(6) Public entities that provide family services, including boards of health, boards of education, the county board of mental retardation and developmental disabilities, and the board of alcohol, drug addiction, and mental health services that serves the county;	9853 9854 9855 9856 9857
(7) Private nonprofit and for-profit entities that provide family services in the county or that advocate for consumers of family services in the county, including entities that provide services to or advocate for victims of domestic violence;	9858 9859 9860 9861
(8) Labor organizations;	9862
(9) Any other group or entity that has an interest in the family services provided in the county, including groups or entities that represent any of the county's business, urban, and rural sectors.	9863 9864 9865 9866
(B) The county family services planning committee shall do all of the following:	9867 9868
(1) Serve as an advisory body to the board of county commissioners with regard to the family services provided in the county, including assistance under Chapters 5107. and 5108. of the Revised Code, publicly funded child day-care under Chapter 5104. of the Revised Code, and social services provided under section 5101.46 of the Revised Code;	9869 9870 9871 9872 9873 9874
(2) At least once a year, review and analyze the county department of job and family services' implementation of the programs established under Chapters 5107. and 5108. of the Revised Code. In its review, the committee shall use information available to it to examine all of the following:	9875 9876 9877 9878 9879
(a) Return of assistance groups to participation in either	9880

program after ceasing to participate;	9881
(b) Teen pregnancy rates among the programs' participants;	9882
(c) The other types of assistance the programs' participants receive, including medical assistance under Chapter 5111. of the Revised Code, publicly funded child day-care under Chapter 5104. of the Revised Code, food stamp benefits under section 5101.54 of the Revised Code, and energy assistance under Chapter 5117. of the Revised Code;	9883 9884 9885 9886 9887 9888
(d) Other issues the committee considers appropriate.	9889
The committee shall make recommendations to the board of county commissioners and county department of job and family services regarding the committee's findings.	9890 9891 9892
(3) Provide comments and recommendations to the board prior to the board's entering into or substantially amending a partnership agreement with the director of job and family services under section 307.98 of the Revised Code;	9893 9894 9895 9896
(4) Conduct public hearings on proposed county profiles for the provision of social services under section 5101.46 of the Revised Code;	9897 9898 9899
(5) (4) At the request of the board, make recommendations and provide assistance regarding the family services provided in the county;	9900 9901 9902
(6) (5) At any other time the committee considers appropriate, consult with the board and make recommendations regarding the family services provided in the county. The committee's recommendations may address the following:	9903 9904 9905 9906
(a) Implementation and administration of family service programs;	9907 9908
(b) Use of federal, state, and local funds available for family service programs;	9909 9910

(c) Establishment of goals to be achieved by family service programs;	9911 9912
(d) Evaluation of the outcomes of family service programs;	9913
(e) Any other matter the board considers relevant to the provision of family services.	9914 9915
(C) If there is a committee in existence in a county on October 1, 1997, that the board of county commissioners determines is capable of fulfilling the responsibilities of a county family services planning committee, the board may designate the committee as the county's family services planning committee and the committee shall serve in that capacity.	9916 9917 9918 9919 9920 9921
Sec. 340.021. (A) In an alcohol, drug addiction, and mental health service district comprised of a county with a population of two hundred fifty thousand or more on the effective date of this section <u>October 10, 1989</u> , the board of county commissioners shall, within thirty days of the effective date of this section <u>October 10, 1989</u> , establish an alcohol and drug addiction services board as the entity responsible for providing alcohol and drug addiction services in the county, unless, prior to that date, the board adopts a resolution providing that the entity responsible for providing the services is a board of alcohol, drug addiction, and mental health services. If the board of county commissioners establishes an alcohol and drug addiction services board, the community mental health board established under former section 340.02 of the Revised Code shall serve as the entity responsible for providing mental health services in the county. A community mental health board has all the powers, duties, and obligations of a board of alcohol, drug addiction, and mental health services with regard to mental health services. An alcohol and drug addiction services board has all the powers, duties, and obligations of a board of alcohol, drug addiction, and mental	9922 9923 9924 9925 9926 9927 9928 9929 9930 9931 9932 9933 9934 9935 9936 9937 9938 9939 9940 9941

health services with regard to alcohol and drug addiction 9942
services. Any provision of the Revised Code that refers to a board 9943
of alcohol, drug addiction, and mental health services with regard 9944
to mental health services also refers to a community mental health 9945
board and any provision that refers to a board of alcohol, drug 9946
addiction, and mental health services with regard to alcohol and 9947
drug addiction services also refers to an alcohol and drug 9948
addiction services board. 9949

An alcohol and drug addiction services board shall consist of 9950
eighteen members, six of whom shall be appointed by the director 9951
of alcohol and drug addiction services and twelve of whom shall be 9952
appointed by the board of county commissioners. Of the members 9953
appointed by the director, one shall be a person who has received 9954
or is receiving services for alcohol or drug addiction, one shall 9955
be a parent or relative of such a person, one shall be a 9956
professional in the field of alcohol or drug addiction services, 9957
and one shall be an advocate for persons receiving treatment for 9958
alcohol or drug addiction. The membership of the board shall, as 9959
nearly as possible, reflect the composition of the population of 9960
the service district as to race and sex. Members shall be 9961
residents of the service district and shall be interested in 9962
alcohol and drug addiction services. Requirements for membership, 9963
including prohibitions against certain family and business 9964
relationships, and terms of office shall be the same as those for 9965
members of boards of alcohol, drug addiction, and mental health 9966
services. 9967

~~(B)~~ A community mental health board shall consist of eighteen 9968
members, six of whom shall be appointed by the director of mental 9969
health and twelve of whom shall be appointed by the board of 9970
county commissioners. Of the members appointed by the director, 9971
one shall be a person who has received or is receiving mental 9972
health services, one shall be a parent or relative of such a 9973

person, one shall be a psychiatrist or a physician, and one shall 9974
be a mental health professional. The membership of the board as 9975
nearly as possible shall reflect the composition of the population 9976
of the service district as to race and sex. Members shall be 9977
residents of the service district and shall be interested in 9978
mental health services. Requirements for membership, including 9979
prohibitions against certain family and business relationships, 9980
and terms of office shall be the same as those for members of 9981
boards of alcohol, drug addiction, and mental health services. 9982

(B) If a board of county commissioners subject to division 9983
(A) of this section did not adopt a resolution providing for a 9984
board of alcohol, drug addiction, and mental health services, the 9985
board of county commissioners may adopt a resolution providing for 9986
such a board, subject to both of the following: 9987

(1) The resolution shall be adopted not later than January 1, 9988
2004. 9989

(2) Before adopting the resolution, the board of county 9990
commissioners shall provide notice of the proposed resolution to 9991
the alcohol and drug services board and the community mental 9992
health board and shall provide both boards an opportunity to 9993
comment on the proposed resolution. 9994

Sec. 340.03. (A) Subject to rules issued by the director of 9995
mental health after consultation with relevant constituencies as 9996
required by division (A)(11) of section 5119.06 of the Revised 9997
Code, with regard to mental health services, the board of alcohol, 9998
drug addiction, and mental health services shall: 9999

(1) Serve as the community mental health planning agency for 10000
the county or counties under its jurisdiction, and in so doing it 10001
shall: 10002

(a) Evaluate the need for facilities and community mental 10003

health services; 10004

(b) In cooperation with other local and regional planning and 10005
funding bodies and with relevant ethnic organizations, assess the 10006
community mental health needs, set priorities, and develop plans 10007
for the operation of facilities and community mental health 10008
services; 10009

(c) In accordance with guidelines issued by the director of 10010
mental health after consultation with board representatives, 10011
develop and submit to the department of mental health, no later 10012
than six months prior to the conclusion of the fiscal year in 10013
which the board's current plan is scheduled to expire, a community 10014
mental health plan listing community mental health needs, 10015
including the needs of all residents of the district now residing 10016
in state mental institutions and severely mentally disabled 10017
adults, children, and adolescents; all children subject to a 10018
determination made pursuant to section 121.38 of the Revised Code; 10019
and all the facilities and community mental health services that 10020
are or will be in operation or provided during the period for 10021
which the plan will be in operation in the service district to 10022
meet such needs. 10023

The plan shall include, but not be limited to, a statement of 10024
which of the services listed in section 340.09 of the Revised Code 10025
the board intends to provide or purchase, an explanation of how 10026
the board intends to make any payments that it may be required to 10027
pay under section 5119.62 of the Revised Code, a statement of the 10028
inpatient and community-based services the board proposes that the 10029
department operate, an assessment of the number and types of 10030
residential facilities needed, and such other information as the 10031
department requests, and a budget for moneys the board expects to 10032
receive. The board shall also submit an allocation request for 10033
state and federal funds. Within sixty days after the department's 10034
determination that the plan and allocation request are complete, 10035

the department shall approve or disapprove the plan and request, 10036
in whole or in part, according to the criteria developed pursuant 10037
to section 5119.61 of the Revised Code. The department's statement 10038
of approval or disapproval shall specify the inpatient and the 10039
community-based services that the department will operate for the 10040
board. Eligibility for financial support shall be contingent upon 10041
an approved plan or relevant part of a plan. 10042

If the director disapproves all or part of any plan, the 10043
director shall inform the board of the reasons for the disapproval 10044
and of the criteria that must be met before the plan may be 10045
approved. The director shall provide the board an opportunity to 10046
present its case on behalf of the plan. The director shall give 10047
the board a reasonable time in which to meet the criteria, and 10048
shall offer the board technical assistance to help it meet the 10049
criteria. 10050

If the approval of a plan remains in dispute thirty days 10051
prior to the conclusion of the fiscal year in which the board's 10052
current plan is scheduled to expire, the board or the director may 10053
request that the dispute be submitted to a mutually agreed upon 10054
third-party mediator with the cost to be shared by the board and 10055
the department. The mediator shall issue to the board and the 10056
department recommendations for resolution of the dispute. Prior to 10057
the conclusion of the fiscal year in which the current plan is 10058
scheduled to expire, the director, taking into consideration the 10059
recommendations of the mediator, shall make a final determination 10060
and approve or disapprove the plan, in whole or in part. 10061

If a board determines that it is necessary to amend a plan or 10062
an allocation request that has been approved under division 10063
(A)(1)(c) of this section, the board shall submit a proposed 10064
amendment to the director. The director may approve or disapprove 10065
all or part of the amendment. If the director does not approve all 10066
or part of the amendment within thirty days after it is submitted, 10067

the amendment or part of it shall be considered to have been 10068
approved. The director shall inform the board of the reasons for 10069
disapproval of all or part of an amendment and of the criteria 10070
that must be met before the amendment may be approved. The 10071
director shall provide the board an opportunity to present its 10072
case on behalf of the amendment. The director shall give the board 10073
a reasonable time in which to meet the criteria, and shall offer 10074
the board technical assistance to help it meet the criteria. 10075

The board shall implement the plan approved by the 10076
department. 10077

(d) Receive, compile, and transmit to the department of 10078
mental health applications for state reimbursement; 10079

(e) Promote, arrange, and implement working agreements with 10080
social agencies, both public and private, and with judicial 10081
agencies. 10082

(2) Investigate, or request another agency to investigate, 10083
any complaint alleging abuse or neglect of any person receiving 10084
services from a community mental health agency as defined in 10085
section 5122.01 of the Revised Code, or from a residential 10086
facility licensed under section 5119.22 of the Revised Code. If 10087
the investigation substantiates the charge of abuse or neglect, 10088
the board shall take whatever action it determines is necessary to 10089
correct the situation, including notification of the appropriate 10090
authorities. Upon request, the board shall provide information 10091
about such investigations to the department. 10092

(3) For the purpose of section 5119.611 of the Revised Code, 10093
cooperate with the director of mental health in visiting and 10094
evaluating whether the services of a community mental health 10095
agency satisfy the certification standards established by rules 10096
adopted under that section; 10097

(4) In accordance with criteria established under division 10098

(G) of section 5119.61 of the Revised Code, review and evaluate 10099
the quality, effectiveness, and efficiency of services provided 10100
through its community mental health plan and submit its findings 10101
and recommendations to the department of mental health; 10102

(5) In accordance with section 5119.22 of the Revised Code, 10103
review applications for residential facility licenses and 10104
recommend to the department of mental health approval or 10105
disapproval of applications; 10106

(6) Audit, in accordance with rules adopted by the auditor of 10107
state pursuant to section 117.20 of the Revised Code, at least 10108
annually all programs and services provided under contract with 10109
the board. In so doing, the board may contract for or employ the 10110
services of private auditors. A copy of the fiscal audit report 10111
shall be provided to the director of mental health, the auditor of 10112
state, and the county auditor of each county in the board's 10113
district. 10114

(7) Recruit and promote local financial support for mental 10115
health programs from private and public sources; 10116

(8)(a) Enter into contracts with public and private 10117
facilities for the operation of facility services included in the 10118
board's community mental health plan and enter into contracts with 10119
public and private community mental health agencies for the 10120
provision of community mental health services listed in section 10121
340.09 of the Revised Code and included in the board's community 10122
mental health plan. Contracts with community mental health 10123
agencies are subject to section 5119.611 of the Revised Code. 10124
Section 307.86 of the Revised Code does not apply to contracts 10125
entered into under this division. In contracting with a community 10126
mental health agency, a board shall consider the cost 10127
effectiveness of services provided by that agency and the quality 10128
and continuity of care, and may review cost elements, including 10129
salary costs, of the services to be provided. A utilization review 10130

process shall be established as part of the contract for services 10131
entered into between a board and a community mental health agency. 10132
The board may establish this process in a way that is most 10133
effective and efficient in meeting local needs. In the case of a 10134
contract with a community mental health facility ~~described, as~~ 10135
defined in ~~division (B) of~~ section 5111.022 of the Revised Code, 10136
to provide services ~~established by~~ listed in division ~~(A)(B)~~ of 10137
that section, the contract shall provide for the facility to be 10138
paid in accordance with the contract entered into between the 10139
departments of job and family services and mental health under 10140
~~division (E) of that~~ section 5111.91 of the Revised Code and any 10141
rules adopted under division (A) of section 5119.61 of the Revised 10142
Code. 10143

If either the board or a facility or community mental health 10144
agency with which the board contracts under division (A)(8)(a) of 10145
this section proposes not to renew the contract or proposes 10146
substantial changes in contract terms, the other party shall be 10147
given written notice at least one hundred twenty days before the 10148
expiration date of the contract. During the first sixty days of 10149
this one hundred twenty-day period, both parties shall attempt to 10150
resolve any dispute through good faith collaboration and 10151
negotiation in order to continue to provide services to persons in 10152
need. If the dispute has not been resolved sixty days before the 10153
expiration date of the contract, either party may notify the 10154
department of mental health of the unresolved dispute. The 10155
director may require both parties to submit the dispute to a third 10156
party with the cost to be shared by the board and the facility or 10157
community mental health agency. The third party shall issue to the 10158
board, the facility or agency, and the department recommendations 10159
on how the dispute may be resolved twenty days prior to the 10160
expiration date of the contract, unless both parties agree to a 10161
time extension. The director shall adopt rules establishing the 10162
procedures of this dispute resolution process. 10163

(b) With the prior approval of the director of mental health, 10164
a board may operate a facility or provide a community mental 10165
health service as follows, if there is no other qualified private 10166
or public facility or community mental health agency that is 10167
immediately available and willing to operate such a facility or 10168
provide the service: 10169

(i) In an emergency situation, any board may operate a 10170
facility or provide a community mental health service in order to 10171
provide essential services for the duration of the emergency; 10172

(ii) In a service district with a population of at least one 10173
hundred thousand but less than five hundred thousand, a board may 10174
operate a facility or provide a community mental health service 10175
for no longer than one year; 10176

(iii) In a service district with a population of less than 10177
one hundred thousand, a board may operate a facility or provide a 10178
community mental health service for no longer than one year, 10179
except that such a board may operate a facility or provide a 10180
community mental health service for more than one year with the 10181
prior approval of the director and the prior approval of the board 10182
of county commissioners, or of a majority of the boards of county 10183
commissioners if the district is a joint-county district. 10184

The director shall not give a board approval to operate a 10185
facility or provide a community mental health service under 10186
division (A)(8)(b)(ii) or (iii) of this section unless the 10187
director determines that it is not feasible to have the department 10188
operate the facility or provide the service. 10189

The director shall not give a board approval to operate a 10190
facility or provide a community mental health service under 10191
division (A)(8)(b)(iii) of this section unless the director 10192
determines that the board will provide greater administrative 10193
efficiency and more or better services than would be available if 10194

the board contracted with a private or public facility or 10195
community mental health agency. 10196

The director shall not give a board approval to operate a 10197
facility previously operated by a person or other government 10198
entity unless the board has established to the director's 10199
satisfaction that the person or other government entity cannot 10200
effectively operate the facility or that the person or other 10201
government entity has requested the board to take over operation 10202
of the facility. The director shall not give a board approval to 10203
provide a community mental health service previously provided by a 10204
community mental health agency unless the board has established to 10205
the director's satisfaction that the agency cannot effectively 10206
provide the service or that the agency has requested the board 10207
take over providing the service. 10208

The director shall review and evaluate a board's operation of 10209
a facility and provision of community mental health service under 10210
division (A)(8)(b) of this section. 10211

Nothing in division (A)(8)(b) of this section authorizes a 10212
board to administer or direct the daily operation of any facility 10213
or community mental health agency, but a facility or agency may 10214
contract with a board to receive administrative services or staff 10215
direction from the board under the direction of the governing body 10216
of the facility or agency. 10217

(9) Approve fee schedules and related charges or adopt a unit 10218
cost schedule or other methods of payment for contract services 10219
provided by community mental health agencies in accordance with 10220
guidelines issued by the department as necessary to comply with 10221
state and federal laws pertaining to financial assistance; 10222

(10) Submit to the director and the county commissioners of 10223
the county or counties served by the board, and make available to 10224
the public, an annual report of the programs under the 10225

jurisdiction of the board, including a fiscal accounting;	10226
(11) Establish, to the extent resources are available, a	10227
community support system, which provides for treatment, support,	10228
and rehabilitation services and opportunities. The essential	10229
elements of the system include, but are not limited to, the	10230
following components in accordance with section 5119.06 of the	10231
Revised Code:	10232
(a) To locate persons in need of mental health services to	10233
inform them of available services and benefits mechanisms;	10234
(b) Assistance for clients to obtain services necessary to	10235
meet basic human needs for food, clothing, shelter, medical care,	10236
personal safety, and income;	10237
(c) Mental health care, including, but not limited to,	10238
outpatient, partial hospitalization, and, where appropriate,	10239
inpatient care;	10240
(d) Emergency services and crisis intervention;	10241
(e) Assistance for clients to obtain vocational services and	10242
opportunities for jobs;	10243
(f) The provision of services designed to develop social,	10244
community, and personal living skills;	10245
(g) Access to a wide range of housing and the provision of	10246
residential treatment and support;	10247
(h) Support, assistance, consultation, and education for	10248
families, friends, consumers of mental health services, and	10249
others;	10250
(i) Recognition and encouragement of families, friends,	10251
neighborhood networks, especially networks that include racial and	10252
ethnic minorities, churches, community organizations, and	10253
meaningful employment as natural supports for consumers of mental	10254
health services;	10255

(j) Grievance procedures and protection of the rights of consumers of mental health services; 10256
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(k) Case management, which includes continual individualized assistance and advocacy to ensure that needed services are offered and procured. 10258
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(12) Designate the treatment program, agency, or facility for each person involuntarily committed to the board pursuant to Chapter 5122. of the Revised Code and authorize payment for such treatment. The board shall provide the least restrictive and most appropriate alternative that is available for any person involuntarily committed to it and shall assure that the services listed in section 340.09 of the Revised Code are available to severely mentally disabled persons residing within its service district. The board shall establish the procedure for authorizing payment for services, which may include prior authorization in appropriate circumstances. The board may provide for services directly to a severely mentally disabled person when life or safety is endangered and when no community mental health agency is available to provide the service. 10261
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(13) Establish a method for evaluating referrals for involuntary commitment and affidavits filed pursuant to section 5122.11 of the Revised Code in order to assist the probate division of the court of common pleas in determining whether there is probable cause that a respondent is subject to involuntary hospitalization and what alternative treatment is available and appropriate, if any; 10275
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(14) Ensure that apartments or rooms built, subsidized, renovated, rented, owned, or leased by the board or a community mental health agency have been approved as meeting minimum fire safety standards and that persons residing in the rooms or apartments are receiving appropriate and necessary services, 10282
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including culturally relevant services, from a community mental health agency. This division does not apply to residential facilities licensed pursuant to section 5119.22 of the Revised Code. 10287
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(15) Establish a mechanism for involvement of consumer recommendation and advice on matters pertaining to mental health services in the alcohol, drug addiction, and mental health service district; 10291
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(16) Perform the duties under section 3722.18 of the Revised Code required by rules adopted under section 5119.61 of the Revised Code regarding referrals by the board or mental health agencies under contract with the board of individuals with mental illness or severe mental disability to adult care facilities and effective arrangements for ongoing mental health services for the individuals. The board is accountable in the manner specified in the rules for ensuring that the ongoing mental health services are effectively arranged for the individuals. 10295
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(B) The board shall establish such rules, operating procedures, standards, and bylaws, and perform such other duties as may be necessary or proper to carry out the purposes of this chapter. 10304
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(C) A board of alcohol, drug addiction, and mental health services may receive by gift, grant, devise, or bequest any moneys, lands, or property for the benefit of the purposes for which the board is established, and may hold and apply it according to the terms of the gift, grant, or bequest. All money received, including accrued interest, by gift, grant, or bequest shall be deposited in the treasury of the county, the treasurer of which is custodian of the alcohol, drug addiction, and mental health services funds to the credit of the board and shall be available for use by the board for purposes stated by the donor or grantor. 10308
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(D) No board member or employee of a board of alcohol, drug 10319
addiction, and mental health services shall be liable for injury 10320
or damages caused by any action or inaction taken within the scope 10321
of the board member's official duties or the employee's 10322
employment, whether or not such action or inaction is expressly 10323
authorized by this section, section 340.033, or any other section 10324
of the Revised Code, unless such action or inaction constitutes 10325
willful or wanton misconduct. Chapter 2744. of the Revised Code 10326
applies to any action or inaction by a board member or employee of 10327
a board taken within the scope of the board member's official 10328
duties or employee's employment. For the purposes of this 10329
division, the conduct of a board member or employee shall not be 10330
considered willful or wanton misconduct if the board member or 10331
employee acted in good faith and in a manner that the board member 10332
or employee reasonably believed was in or was not opposed to the 10333
best interests of the board and, with respect to any criminal 10334
action or proceeding, had no reasonable cause to believe the 10335
conduct was unlawful. 10336

(E) The meetings held by any committee established by a board 10337
of alcohol, drug addiction, and mental health services shall be 10338
considered to be meetings of a public body subject to section 10339
121.22 of the Revised Code. 10340

Sec. 341.05. (A) The sheriff shall assign sufficient staff to 10341
ensure the safe and secure operation of the county jail, but staff 10342
shall be assigned only to the extent such staff can be provided 10343
with funds appropriated to the sheriff at the discretion of the 10344
board of county commissioners. The staff may include any of the 10345
following: 10346

(1) An administrator for the jail; 10347

(2) Jail officers, including civilian jail officers who are 10348
not sheriff's deputies, to conduct security duties; 10349

(3) Other necessary employees to assist in the operation of 10350
the county jail. 10351

(B) The sheriff shall employ a sufficient number of female 10352
staff to be available to perform all reception and release 10353
procedures for female prisoners. These female employees shall be 10354
on duty for the duration of the confinement of the female 10355
prisoners. 10356

(C) The jail administrator and civilian jail officers 10357
appointed by the sheriff shall have all the powers of police 10358
officers on the jail grounds as are necessary for the proper 10359
performance of the duties relating to their positions at the jail 10360
and as are consistent with their level of training. 10361

(D) The sheriff may authorize civilian jail officers to wear 10362
a standard uniform consistent with their prescribed authority, in 10363
accordance with section 311.281 of the Revised Code. Civilian jail 10364
officer uniforms shall be differentiated clearly from the uniforms 10365
worn by sheriff's deputies. 10366

(E) ~~The~~ Except as provided in division (B) of section 341.25 10367
of the Revised Code, the compensation of jail staff shall be 10368
payable from the general fund of the county, upon the warrant of 10369
the auditor, in accordance with standard county payroll 10370
procedures. 10371

Sec. 341.25. (A) The sheriff may establish a commissary for 10372
the jail. The commissary may be established either in-house or by 10373
another arrangement. If a commissary is established, all persons 10374
incarcerated in the jail shall receive commissary privileges. A 10375
person's purchases from the commissary shall be deducted from the 10376
person's account record in the jail's business office. The 10377
commissary shall provide for the distribution to indigent persons 10378
incarcerated in the jail necessary hygiene articles and writing 10379

materials. 10380

(B) If a commissary is established, the sheriff shall 10381
establish a commissary fund for the jail. The management of funds 10382
in the commissary fund shall be strictly controlled in accordance 10383
with procedures adopted by the auditor of state. Commissary fund 10384
revenue over and above operating costs and reserve shall be 10385
considered profits. All profits from the commissary fund shall be 10386
used to purchase supplies and equipment, and to provide life 10387
skills training and education or treatment services, or both, for 10388
the benefit of persons incarcerated in the jail, and to pay salary 10389
and benefits for employees of the sheriff who work in or are 10390
employed for the purpose of providing service to the commissary. 10391
The sheriff shall adopt rules for the operation of any commissary 10392
fund the sheriff establishes. 10393

Sec. 504.03. (A)(1) If a limited home rule government is 10394
adopted pursuant to section 504.02 of the Revised Code, it shall 10395
remain in effect for at least three years except as otherwise 10396
provided in division (B) of this section. At the end of that 10397
period, if the board of township trustees determines that that 10398
government is not in the best interests of the township, it may 10399
adopt a resolution causing the board of elections to submit to the 10400
electors of the unincorporated area of the township the question 10401
of whether the township should continue the limited home rule 10402
government. The question shall be voted upon at the next general 10403
election occurring at least seventy-five days after the 10404
certification of the resolution to the board of elections. After 10405
certification of the resolution, the board of elections shall 10406
submit the question to the electors of the unincorporated area of 10407
the township, and the ballot language shall be substantially as 10408
follows: 10409

"Shall the township of (name) continue the 10410

limited home rule government under which it is operating?	10411
..... For continuation of the limited home rule government	10412
..... Against continuation of the limited home rule government"	10413
(2) At least forty-five days before the election on the	10414
question of continuing the limited home rule government, the board	10415
of township trustees shall have notice of the election published	10416
in a newspaper of general circulation in the township for three	10417
consecutive weeks and have the notice posted in five conspicuous	10418
places in the unincorporated area of the township.	10419
(B) The electors of a township that has adopted a limited	10420
home rule government may propose at any time by initiative	10421
petition, in accordance with section 504.14 of the Revised Code, a	10422
resolution submitting to the electors in the unincorporated area	10423
of the township, in an election, the question set forth in	10424
division (A)(1) of this section.	10425
(C) If a majority of the votes cast under division (A) or (B)	10426
of this section on the proposition of continuing the limited home	10427
rule government is in the negative, that government is terminated	10428
effective on the first day of January immediately following the	10429
election, and a limited home rule government shall not be adopted	10430
in the unincorporated area of the township pursuant to section	10431
504.02 of the Revised Code for at least three years after that	10432
date.	10433
(D) If a limited home rule government is terminated under	10434
this section, the board of township trustees immediately shall	10435
adopt a resolution repealing all resolutions adopted pursuant to	10436
this chapter that are not authorized by any other section of the	10437
Revised Code outside this chapter, effective on the first day of	10438
January immediately following the election described in division	10439
(A) or (B) of this section. However, no resolution adopted under	10440
this division shall affect or impair the obligations of the	10441
township under any security issued or contracts entered into by	10442

the township in connection with the financing of any water supply 10443
facility or sewer improvement under sections 504.18 to 504.20 of 10444
the Revised Code or the authority of the township to collect or 10445
enforce any assessments or other revenues constituting security 10446
for or source of payments of debt service charges of those 10447
securities. 10448

(E) Upon the termination of a limited home rule government 10449
under this section, if the township had converted its board of 10450
township trustees to a five-member board ~~under section 504.21 of~~ 10451
~~the Revised Code before the effective date of this amendment,~~ the 10452
current board member who received the lowest number of votes of 10453
the current board members who were elected at the most recent 10454
election for township trustees, and the current board member who 10455
received the lowest number of votes of the current board members 10456
who were elected at the second most recent election for township 10457
trustees, shall cease to be township trustees on the date that the 10458
limited home rule government terminates. Their offices likewise 10459
shall cease to exist at that time, and the board shall continue as 10460
a three-member board as provided in section 505.01 of the Revised 10461
Code. 10462

Sec. 504.04. (A) A township that adopts a limited home rule 10463
government may do all of the following by resolution, provided 10464
that any of these resolutions, other than a resolution to supply 10465
water or sewer services in accordance with sections 504.18 to 10466
504.20 of the Revised Code, may be enforced only by the imposition 10467
of civil fines as authorized in this chapter: 10468

(1) Exercise all powers of local self-government within the 10469
unincorporated area of the township, other than powers that are in 10470
conflict with general laws, except that the township shall comply 10471
with the requirements and prohibitions of this chapter, and shall 10472
enact no taxes other than those authorized by general law, and 10473

except that no resolution adopted pursuant to this chapter shall 10474
encroach upon the powers, duties, and privileges of elected 10475
township officers or change, alter, combine, eliminate, or 10476
otherwise modify the form or structure of the township government 10477
unless the change is required or permitted by this chapter; 10478

(2) Adopt and enforce within the unincorporated area of the 10479
township local police, sanitary, and other similar regulations 10480
that are not in conflict with general laws or otherwise prohibited 10481
by division (B) of this section; 10482

(3) Supply water and sewer services to users within the 10483
unincorporated area of the township in accordance with sections 10484
504.18 to 504.20 of the Revised Code. 10485

(B) No resolution adopted pursuant to this chapter shall do 10486
any of the following: 10487

(1) Create a criminal offense or impose criminal penalties, 10488
except as authorized by division (A) of this section; 10489

(2) Impose civil fines other than as authorized by this 10490
chapter; 10491

(3) Establish or revise subdivision regulations, road 10492
construction standards, urban sediment rules, or storm water and 10493
drainage regulations; 10494

(4) Establish or revise building standards, building codes, 10495
and other standard codes except as provided in section 504.13 of 10496
the Revised Code; 10497

(5) Increase, decrease, or otherwise alter the powers or 10498
duties of a township under any other chapter of the Revised Code 10499
pertaining to agriculture or the conservation or development of 10500
natural resources; 10501

(6) Establish regulations affecting hunting, trapping, 10502
fishing, or the possession, use, or sale of firearms; 10503

(7) Establish or revise water or sewer regulations, except in accordance with sections 504.18 and 504.19 of the Revised Code.

Nothing in this chapter shall be construed as affecting the powers of counties with regard to the subjects listed in divisions (B)(3) to (5) of this section.

(C) Under a limited home rule government, all officers shall have the qualifications, and be nominated, elected, or appointed, as provided in Chapter 505. of the Revised Code, except that the board of township trustees shall appoint a full-time or part-time law director pursuant to section 504.15 of the Revised Code, and except that ~~section 504.21 of the Revised Code also shall apply if~~ a five-member board of township trustees ~~is~~ approved for the township before the effective date of this amendment shall continue to serve as the legislative authority with successive members serving for four-year terms of office until a termination of a limited home rule government under section 504.03 of the Revised Code.

(D) In case of conflict between resolutions enacted by a board of township trustees and municipal ordinances or resolutions, the ordinance or resolution enacted by the municipal corporation prevails. In case of conflict between resolutions enacted by a board of township trustees and any county resolution, the resolution enacted by the board of township trustees prevails.

Sec. 505.376. When any expenditure of a fire and ambulance district, other than for the compensation of district employees, exceeds ~~ten~~ twenty-five thousand dollars, the contract for the expenditure shall be in writing and made with the lowest and best bidder after advertising for not less than two nor more than four consecutive weeks in a newspaper of general circulation within the district. The bids shall be opened and shall be publicly read by the clerk of the district, or the clerk's designee, at the time,

date, and place specified in the advertisement to bidders or the 10535
specifications. The time, date, and place of bid openings may be 10536
extended to a later date by the board of trustees of the district, 10537
provided that written or oral notice of the change shall be given 10538
to all persons who have received or requested specifications no 10539
later than ninety-six hours prior to the original time and date 10540
fixed for the opening. 10541

Each bid on any contract shall contain the full name of every 10542
person interested in the bid. If the bid is for a contract for the 10543
construction, demolition, alteration, repair, or reconstruction of 10544
an improvement, it shall meet the requirements of section 153.54 10545
of the Revised Code. If the bid is for any other contract, it 10546
shall be accompanied by a sufficient bond or certified check, 10547
cashier's check, or money order on a solvent bank or savings and 10548
loan association that, if the bid is accepted, a contract will be 10549
entered into and the performance of it will be properly secured. 10550
If the bid for work embraces both labor and material, it shall be 10551
separately stated, with the price ~~thereof~~ of the labor and the 10552
material. The board may reject any and all bids. The contract 10553
shall be between the district and the bidder, and the district 10554
shall pay the contract price in cash. When a bonus is offered for 10555
completion of a contract prior to a specified date, the board may 10556
exact a prorated penalty in like sum for each day of delay beyond 10557
the specified date. When there is reason to believe there is 10558
collusion or combination among bidders, the bids of those 10559
concerned ~~therein~~ shall be rejected. 10560

Sec. 507.09. (A) Except as otherwise provided in division (D) 10561
of this section, the township clerk shall be entitled to 10562
compensation as follows: 10563

(1) In townships having a budget of fifty thousand dollars or 10564
less, three thousand five hundred dollars; 10565

(2) In townships having a budget of more than fifty thousand	10566
but not more than one hundred thousand dollars, five thousand five	10567
hundred dollars;	10568
(3) In townships having a budget of more than one hundred	10569
thousand but not more than two hundred fifty thousand dollars,	10570
seven thousand seven hundred dollars;	10571
(4) In townships having a budget of more than two hundred	10572
fifty thousand but not more than five hundred thousand dollars,	10573
nine thousand nine hundred dollars;	10574
(5) In townships having a budget of more than five hundred	10575
thousand but not more than seven hundred fifty thousand dollars,	10576
eleven thousand dollars;	10577
(6) In townships having a budget of more than seven hundred	10578
fifty thousand but not more than one million five hundred thousand	10579
dollars, thirteen thousand two hundred dollars;	10580
(7) In townships having a budget of more than one million	10581
five hundred thousand but not more than three million five hundred	10582
thousand dollars, fifteen thousand four hundred dollars;	10583
(8) In townships having a budget of more than three million	10584
five hundred thousand dollars but not more than six million	10585
dollars, sixteen thousand five hundred dollars;	10586
(9) In townships having a budget of more than six million	10587
dollars, seventeen thousand six hundred dollars.	10588
(B) Any township clerk may elect to receive less than the	10589
compensation the clerk is entitled to under division (A) of this	10590
section. Any clerk electing to do this shall so notify the board	10591
of township trustees in writing, and the board shall include this	10592
notice in the minutes of its next board meeting.	10593
(C) The compensation of the township clerk shall be paid in	10594
equal monthly payments. If the office of clerk is held by more	10595

than one person during any calendar year, each person holding the 10596
office shall receive payments for only those months, and any 10597
fractions of those months, during which the person holds the 10598
office. 10599

(D) Beginning in calendar year 1999, the township clerk shall 10600
be entitled to compensation as follows: 10601

(1) In calendar year 1999, the compensation specified in 10602
division (A) of this section increased by three per cent; 10603

(2) In calendar year 2000, the compensation determined under 10604
division (D)(1) of this section increased by three per cent; 10605

(3) In calendar year 2001, the compensation determined under 10606
division (D)(2) of this section increased by three per cent; 10607

(4) In calendar year 2002, except in townships having a 10608
budget of more than six million dollars, the compensation 10609
determined under division (D)(3) of this section increased by 10610
three per cent; in townships having a budget of more than six 10611
million but not more than ten million dollars, nineteen thousand 10612
eight hundred ten dollars; and in townships having a budget of 10613
more than ten million dollars, twenty thousand nine hundred 10614
dollars; 10615

(5) In calendar year 2003, the compensation determined under 10616
division (D)(4) of this section increased by three per cent or the 10617
percentage increase in the consumer price index as described in 10618
division (D)(7)(b) of this section, whichever percentage is lower; 10619

(6) In calendar year 2004, except in townships having a 10620
budget of more than six million dollars, the compensation 10621
determined under division (D)(5) of this section for the calendar 10622
year 2003 increased by three per cent or the percentage increase 10623
in the consumer price index as described in division (D)(7)(b) of 10624
this section, whichever percentage is lower; in townships having a 10625
budget of more than six million but not more than ten million 10626

dollars, twenty-two thousand eighty-seven dollars; and in 10627
townships having a budget of more than ten million dollars, 10628
twenty-five thousand five hundred fifty-three dollars; 10629

(7) In calendar years ~~2003~~ 2005 through 2008, the 10630
compensation determined under division (D) of this section for the 10631
immediately preceding calendar year increased by the lesser of the 10632
following: 10633

(a) Three per cent; 10634

(b) The percentage increase, if any, in the consumer price 10635
index over the twelve-month period that ends on the thirtieth day 10636
of September of the immediately preceding calendar year, rounded 10637
to the nearest one-tenth of one per cent; 10638

~~(6)~~(8) In calendar year 2009 and thereafter, the amount 10639
determined under division (D) of this section for calendar year 10640
2008. 10641

As used in this division, "consumer price index" has the same 10642
meaning as in section 325.18 of the Revised Code. 10643

Sec. 511.12. The board of township trustees may prepare plans 10644
and specifications and make contracts for the construction and 10645
erection of a memorial building, monument, statue, or memorial, 10646
for the purposes specified and within the amount authorized by 10647
section 511.08 of the Revised Code. If the total estimated cost of 10648
the construction and erection exceeds ~~fifteen~~ twenty-five thousand 10649
dollars, the contract shall be let by competitive bidding. If the 10650
estimated cost is ~~fifteen~~ twenty-five thousand dollars or less, 10651
competitive bidding may be required at the board's discretion. In 10652
making contracts under this section, the board shall be governed 10653
as follows: 10654

(A) Contracts for construction when competitive bidding is 10655
required shall be based upon detailed plans, specifications, forms 10656

of bids, and estimates of cost, adopted by the board. 10657

(B) Contracts shall be made in writing upon concurrence of a 10658
majority of the members of the board, and shall be signed by at 10659
least two of ~~such~~ the members and by the contractor. If 10660
competitive bidding is required, no contract shall be made or 10661
signed until an advertisement has been placed in two newspapers, 10662
published or of general circulation in the township, for a period 10663
of thirty days. 10664

(C) No contract shall be let by competitive bidding except to 10665
the lowest and best bidder, who shall meet the requirements of 10666
section 153.54 of the Revised Code. 10667

(D) When, in the opinion of the board, it becomes necessary 10668
in the prosecution of such work to make alterations or 10669
modifications in any contract, ~~such~~ the alterations or 10670
modifications shall be made only by order of the board, and ~~such~~ 10671
that order shall be of no effect until the price to be paid for 10672
the work or materials under ~~such~~ the altered or modified contract 10673
has been agreed upon in writing and signed by the contractor and 10674
at least two members of the board. 10675

(E) No contract or alteration or modification ~~thereof~~ of it 10676
shall be valid unless made in the manner provided in this section. 10677

Sec. 511.181. If the board of park commissioners of a 10678
township park district created before 1955 is appointed by the 10679
board of township trustees, the board of township trustees may 10680
adopt a resolution to convert the parks owned and operated by the 10681
park district into parks owned and operated by the township if the 10682
township has a population of less than thirty-five thousand and a 10683
geographical area of less than fifteen square miles. Upon the 10684
adoption of that resolution, the township park district shall 10685
cease to exist, all real and personal property owned by the park 10686
district shall be transferred to the township, and the township 10687

shall assume liability with respect to all contracts and debts of 10688
the park district. All employees of the township park district 10689
whose parks are so converted into township parks shall become 10690
township employees, and the board of township trustees may retain 10691
the former park commissioners, on the terms that the trustees 10692
consider appropriate, to operate the property formerly owned by 10693
the township park district. 10694

The township shall continue to collect any taxes levied 10695
within the former township park district, and the taxes shall be 10696
deposited into the township treasury as funds to be used for the 10697
park purposes for which they were levied. 10698

Within fifteen days after the adoption of a township park 10699
district conversion resolution under this section, the clerk of 10700
the board of township trustees shall certify a copy of that 10701
resolution to the county auditor. 10702

Sec. 515.01. The board of township trustees may provide 10703
artificial lights for any road, highway, public place, or building 10704
under its supervision or control, or for any territory within the 10705
township and outside the boundaries of any municipal corporation, 10706
when the board determines that the public safety or welfare 10707
requires that ~~such~~ the road, highway, public place, building, or 10708
territory shall be lighted. ~~Such~~ The lighting may be procured 10709
either by the township installing a lighting system or by 10710
contracting with any person or corporation to furnish lights. 10711

If lights are furnished under contract, ~~such~~ the contract may 10712
provide that the equipment employed may be owned by the township 10713
or by the person or corporation supplying it. 10714

If the board determines to procure ~~such~~ lighting by contract 10715
and the total estimated cost of the contract exceeds ~~fifteen~~ 10716
twenty-five thousand dollars, the board shall prepare plans and 10717
specifications for the lighting equipment and shall, for two 10718

weeks, advertise for bids for furnishing ~~such~~ the lighting 10719
equipment, either by posting ~~such~~ the advertisement in three 10720
conspicuous places in the township or by publication ~~thereof~~ of 10721
the advertisement once a week, for two consecutive weeks, in a 10722
newspaper of general circulation in the township. Any such 10723
contract for lighting shall be made with the lowest and best 10724
bidder. 10725

No lighting contract awarded by the board shall be made to 10726
cover a period of more than ten years. The cost of installing and 10727
operating any lighting system or any light furnished under 10728
contract shall be paid from the general fund of the township 10729
treasury. 10730

Sec. 515.07. If the total estimated cost of any lighting 10731
improvement provided for in section 515.06 of the Revised Code is 10732
~~fifteen~~ twenty-five thousand dollars or less, the contract may be 10733
let without competitive bidding. When competitive bidding is 10734
required, the board of township trustees shall post, in three of 10735
the most conspicuous public places in the district, a notice 10736
specifying the number, candle power, and location of lights, and 10737
the kind of supports ~~therefore~~ for the lights as provided by 10738
section 515.06 of the Revised Code, as well as the time, which 10739
shall not be less than thirty days from the posting of the 10740
notices, and the place the board will receive bids to furnish ~~such~~ 10741
the lights. The board shall accept the lowest and best bid, if the 10742
successful bidder meets the requirements of section 153.54 of the 10743
Revised Code. The board may reject all bids. 10744

Sec. 521.05. (A) If the total estimated cost of any 10745
improvement provided for in section 521.04 of the Revised Code is 10746
~~ten~~ twenty-five thousand dollars or less, the contract may be let 10747
without competitive bidding. When competitive bidding is required, 10748
the board of township trustees shall post, in three of the most 10749

conspicuous public places in the township, a notice specifying the 10750
improvement to be made and the time, which shall be at least 10751
thirty days after the posting of the notices, and the place the 10752
board will receive bids to make the improvement. The board shall 10753
accept the lowest and best bid, if the successful bidder meets the 10754
requirements of section 153.54 of the Revised Code. The board may 10755
reject all bids. 10756

(B) On accepting a bid, the board shall enter into a contract 10757
with the successful bidder for making the improvement according to 10758
specifications. The contract shall not be for a term longer than 10759
ten years. 10760

Sec. 715.013. (A) Except as otherwise expressly authorized by 10761
the Revised Code, no municipal corporation shall levy a tax that 10762
is the same as or similar to a tax levied under Chapter 322., 10763
3734., 3769., 4123., 4141., 4301., 4303., 4305., 4307., 4309., 10764
5707., 5725., 5727., 5728., 5729., 5731., 5735., 5737., 5739., 10765
5741., 5743., or 5749. of the Revised Code. 10766

(B) This section does not prohibit a municipal corporation 10767
from levying a tax on ~~amounts~~ any of the following: 10768

(1) Amounts received for admission to any place ~~or, on and~~ 10769
~~after January 1, 2002, on the;~~ 10770

(2) The income of an electric company or combined company, as 10771
defined in section 5727.01 of the Revised Code; 10772

(3) On and after January 1, 2004, the income of a telephone 10773
company, as defined in section 5727.01 of the Revised Code. 10774

Sec. 718.01. (A) As used in this chapter: 10775

(1) "Adjusted federal taxable income" means a C corporation's 10776
federal taxable income before net operating losses and special 10777
deductions as determined under the Internal Revenue Code, adjusted 10778

as follows: 10779

(a) Deduct intangible income to the extent included in 10780
federal taxable income. The deduction shall be allowed regardless 10781
of whether the intangible income relates to assets used in a trade 10782
or business or assets held for the production of income. 10783

(b) Add an amount equal to five per cent of intangible income 10784
deducted under division (A)(1)(a) of this section, but excluding 10785
that portion of intangible income directly related to the sale, 10786
exchange, or other disposition of property described in section 10787
1221 of the Internal Revenue Code; 10788

(c) Add any losses allowed as a deduction in the computation 10789
of federal taxable income if the losses directly relate to the 10790
sale, exchange, or other disposition of an asset described in 10791
section 1221 or 1231 of the Internal Revenue Code; 10792

(d)(i) Except as provided in division (A)(1)(d)(ii) of this 10793
section, deduct income and gain included in federal taxable income 10794
to the extent the income and gain directly relate to the sale, 10795
exchange, or other disposition of an asset described in section 10796
1221 or 1231 of the Internal Revenue Code; 10797

(ii) Division (A)(1)(d)(i) of this section does not apply to 10798
the extent the income or gain is income or gain described in 10799
section 1245 or 1250 of the Internal Revenue Code. 10800

(e) Add taxes on or measured by net income allowed as a 10801
deduction in the computation of federal taxable income; 10802

(f) In the case of a real estate investment trust and 10803
regulated investment company, add all amounts with respect to 10804
dividends to, distributions to, or amounts set aside for or 10805
credited to the benefit of investors and allowed as a deduction in 10806
the computation of federal taxable income; 10807

(g) If the taxpayer is not a C corporation and is not an 10808

individual, the taxpayer shall compute adjusted federal taxable 10809
income as if the taxpayer were a C corporation, except: 10810

(i) Guaranteed payments and other similar amounts paid or 10811
accrued to a partner, former partner, member, or former member 10812
shall not be allowed as a deductible expense; and 10813

(ii) Amounts paid or accrued to a qualified self-employed 10814
retirement plan with respect to an owner or owner-employee of the 10815
taxpayer, amounts paid or accrued to or for health insurance for 10816
an owner or owner-employee, and amounts paid or accrued to or for 10817
life insurance for an owner or owner-employee shall not be allowed 10818
as a deduction. 10819

Nothing in division (A)(1) of this section shall be construed 10820
as allowing the taxpayer to add or deduct any amount more than 10821
once or shall be construed as allowing any taxpayer to deduct any 10822
amount paid to or accrued for purposes of federal self-employment 10823
tax. 10824

Nothing in this chapter shall be construed as limiting or 10825
removing the ability of any municipal corporation to administer, 10826
audit, and enforce the provisions of its municipal income tax. 10827

(2) "Internal Revenue Code" means the Internal Revenue Code 10828
of 1986, 100 Stat. 2085, 26 U.S.C. 1, as amended. 10829

~~(2)~~(3) "Schedule C" means internal revenue service schedule C 10830
filed by a taxpayer pursuant to the Internal Revenue Code. 10831

~~(3)~~(4) "Form 2106" means internal revenue service form 2106 10832
filed by a taxpayer pursuant to the Internal Revenue Code. 10833

~~(4)~~(5) "Intangible income" means income of any of the 10834
following types: income yield, interest, capital gains, dividends, 10835
or other income arising from the ownership, sale, exchange, or 10836
other disposition of intangible property including, but not 10837
limited to, investments, deposits, money, or credits as those 10838

terms are defined in Chapter 5701. of the Revised Code, and 10839
patents, copyrights, trademarks, tradenames, investments in real 10840
estate investment trusts, investments in regulated investment 10841
companies, and appreciation on deferred compensation. "Intangible 10842
income" does not include prizes, awards, or other income 10843
associated with any lottery winnings or other similar games of 10844
chance. 10845

+5)(6) "S corporation" means a corporation that has made an 10846
election under subchapter S of Chapter 1 of Subtitle A of the 10847
Internal Revenue Code for its taxable year. 10848

(7) For taxable years beginning on or after January 1, 2004, 10849
"net profit" for a taxpayer other than an individual means 10850
adjusted federal taxable income and "net profit" for a taxpayer 10851
who is an individual means the individual's profit, other than 10852
amounts described in division (F) of this section, required to be 10853
reported on schedule C, schedule E, or schedule F. 10854

(8) "Taxpayer" means a person subject to a tax on income 10855
levied by a municipal corporation. "Taxpayer" does not include any 10856
person that is a disregarded entity or a qualifying subchapter S 10857
subsidiary for federal income tax purposes, but "taxpayer" 10858
includes any other person who owns the disregarded entity or 10859
qualifying subchapter S subsidiary. 10860

(9) "Taxable year" means the corresponding tax reporting 10861
period as prescribed for the taxpayer under the Internal Revenue 10862
Code. 10863

(10) "Tax administrator" means the individual charged with 10864
direct responsibility for administration of a tax on income levied 10865
by a municipal corporation and includes: 10866

(a) The central collection agency and the regional income tax 10867
agency and their successors in interest, and other entities 10868
organized to perform functions similar to those performed by the 10869

<u>central collection agency and the regional income tax agency;</u>	10870
<u>(b) A municipal corporation acting as the agent of another municipal corporation; and</u>	10871
	10872
<u>(c) Persons retained by a municipal corporation to administer a tax levied by the municipal corporation, but only if the municipal corporation does not compensate the person in whole or in part on a contingency basis.</u>	10873
	10874
	10875
	10876
<u>(11) "Person" includes individuals, firms, companies, business trusts, estates, trusts, partnerships, limited liability companies, associations, corporations, governmental entities, and any other entity.</u>	10877
	10878
	10879
	10880
<u>(12) "Schedule E" means internal revenue service schedule E filed by a taxpayer pursuant to the Internal Revenue Code.</u>	10881
	10882
<u>(13) "Schedule F" means internal revenue service schedule F filed by a taxpayer pursuant to the Internal Revenue Code.</u>	10883
	10884
(B) No municipal corporation with respect to that income that it may tax shall tax such income at other than a uniform rate.	10885
	10886
(C) No municipal corporation shall levy a tax on income at a rate in excess of one per cent without having obtained the approval of the excess by a majority of the electors of the municipality voting on the question at a general, primary, or special election. The legislative authority of the municipal corporation shall file with the board of elections at least seventy-five days before the day of the election a copy of the ordinance together with a resolution specifying the date the election is to be held and directing the board of elections to conduct the election. The ballot shall be in the following form: "Shall the Ordinance providing for a ... per cent levy on income for (Brief description of the purpose of the proposed levy) be passed?"	10887
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FOR THE INCOME TAX 10900

AGAINST THE INCOME TAX" 10901

In the event of an affirmative vote, the proceeds of the levy 10902
may be used only for the specified purpose. 10903

(D)(1) Except as ~~otherwise~~ provided in division ~~(D)(2)~~ or 10904
~~(F)(9)(E)~~ or (F) of this section, no municipal corporation shall 10905
exempt from a tax on income, compensation for personal services of 10906
individuals over eighteen years of age or the net profit from a 10907
business or profession. 10908

~~(2) The legislative authority of a municipal corporation may,~~ 10909
~~by ordinance or resolution, exempt from a tax on income any~~ 10910
~~compensation arising from the grant, sale, exchange, or other~~ 10911
~~disposition of a stock option; the exercise of a stock option; or~~ 10912
~~the sale, exchange, or other disposition of stock purchased under~~ 10913
~~a stock option. (a) For taxable years beginning on or after~~ 10914
January 1, 2004, no municipal corporation shall tax the net profit 10915
from a business or profession using any base other than the 10916
taxpayer's adjusted federal taxable income. 10917

(b) Division (D)(2)(a) of this section does not apply to any 10918
taxpayer required to file a return under section 5745.03 of the 10919
Revised Code or to the net profit from a sole proprietorship. 10920

~~(E) Nothing in this section shall prevent a municipal~~ 10921
~~corporation from permitting lawful deductions as prescribed by~~ 10922
~~ordinance. If a taxpayer's~~ The legislative authority of a 10923
municipal corporation may, by ordinance or resolution, exempt from 10924
withholding and from a tax on income the following: 10925

(1) Compensation arising from the sale, exchange, or other 10926
disposition of a stock option, the exercise of a stock option, or 10927
the sale, exchange, or other disposition of stock purchased under 10928
a stock option; or 10929

(2) Compensation attributable to a nonqualified deferred 10930
compensation plan or program described in section 3121(v)(2)(C) of 10931
the Internal Revenue Code. 10932

If an individual's taxable income includes income against 10933
which the taxpayer has taken a deduction for federal income tax 10934
purposes as reportable on the taxpayer's form 2106, and against 10935
which a like deduction has not been allowed by the municipal 10936
corporation, the municipal corporation shall deduct from the 10937
taxpayer's taxable income an amount equal to the deduction shown 10938
on such form allowable against such income, to the extent not 10939
otherwise so allowed as a deduction by the municipal corporation. 10940
~~In~~ 10941

In the case of a taxpayer who has a net profit from a 10942
business or profession that is operated as a sole proprietorship, 10943
no municipal corporation may tax or use as the base for 10944
determining the amount of the net profit that shall be considered 10945
as having a taxable situs in the municipal corporation, ~~a greater~~ 10946
~~amount than the net profit reported by the taxpayer on schedule C~~ 10947
~~filed in reference to the year in question as taxable income from~~ 10948
~~such sole proprietorship, except as otherwise specifically~~ 10949
~~provided by ordinance or regulation~~ an amount other than the net 10950
profit required to be reported by the taxpayer on schedule C or F 10951
from such sole proprietorship for the taxable year. 10952

In the case of a taxpayer who has a net profit from rental 10953
activity required to be reported on schedule E, no municipal 10954
corporation may tax or use as the base for determining the amount 10955
of the net profit that shall be considered as having a taxable 10956
situs in the municipal corporation, an amount other than the net 10957
profit from rental activities required to be reported by the 10958
taxpayer on schedule E for the taxable year. 10959

(F) A municipal corporation shall not tax any of the 10960

following:	10961
(1) The military pay or allowances of members of the armed forces of the United States and of members of their reserve components, including the Ohio national guard;	10962 10963 10964
(2) The income of religious, fraternal, charitable, scientific, literary, or educational institutions to the extent that such income is derived from tax-exempt real estate, tax-exempt tangible or intangible property, or tax-exempt activities;	10965 10966 10967 10968 10969
(3) Except as otherwise provided in division (G) of this section, intangible income;	10970 10971
(4) Compensation paid under section 3501.28 or 3501.36 of the Revised Code to a person serving as a precinct election official, to the extent that such compensation does not exceed one thousand dollars annually. Such compensation in excess of one thousand dollars may be subjected to taxation by a municipal corporation. A municipal corporation shall not require the payer of such compensation to withhold any tax from that compensation.	10972 10973 10974 10975 10976 10977 10978
(5) Compensation paid to an employee of a transit authority, regional transit authority, or regional transit commission created under Chapter 306. of the Revised Code for operating a transit bus or other motor vehicle for the authority or commission in or through the municipal corporation, unless the bus or vehicle is operated on a regularly scheduled route, the operator is subject to such a tax by reason of residence or domicile in the municipal corporation, or the headquarters of the authority or commission is located within the municipal corporation;	10979 10980 10981 10982 10983 10984 10985 10986 10987
(6) The income of a public utility, when that public utility is subject to the tax levied under section 5727.24 or 5727.30 of the Revised Code, except starting January 1, 2002, the income of an electric company or combined company, as defined in section	10988 10989 10990 10991

~~5727.01 of the Revised Code, may be taxed by a municipal~~ 10992
corporation may tax the following, subject to Chapter 5745. of the 10993
Revised Code: 10994

(a) Beginning January 1, 2002, the income of an electric 10995
company or combined company; 10996

(b) Beginning January 1, 2004, the income of a telephone 10997
company. 10998

As used in division (F)(6) of this section, "combined 10999
company," "electric company," and "telephone company" have the 11000
same meanings as in section 5727.01 of the Revised Code. 11001

(7) On and after January 1, 2003, items excluded from federal 11002
gross income pursuant to section 107 of the Internal Revenue Code; 11003

(8) On and after January 1, 2001, compensation paid to a 11004
nonresident individual to the extent prohibited under section 11005
718.011 of the Revised Code; 11006

(9) Except as provided in division (H) of this section, an S 11007
corporation shareholder's distributive share of net profits of the 11008
S corporation, other than any part of the distributive share of 11009
net profits that represents wages as defined in section 3121(a) of 11010
the Internal Revenue Code or net earnings from self-employment as 11011
defined in section 1402(a) of the Internal Revenue Code, to the 11012
extent such distributive share would not be allocated or 11013
apportioned to this state under division (B)(1) and (2) of section 11014
5733.05 of the Revised Code if the S corporation were a 11015
corporation subject to the taxes imposed under Chapter 5733. of 11016
the Revised Code; 11017

(10) Employee compensation that is not "qualifying wages" as 11018
defined in section 718.03 of the Revised Code. 11019

(G) Any municipal corporation that taxes any type of 11020
intangible income on March 29, 1988, pursuant to Section 3 of 11021

Amended Substitute Senate Bill No. 238 of the 116th general 11022
assembly, may continue to tax that type of income after 1988 if a 11023
majority of the electors of the municipal corporation voting on 11024
the question of whether to permit the taxation of that type of 11025
intangible income after 1988 vote in favor thereof at an election 11026
held on November 8, 1988. 11027

(H) Any municipal corporation that, on December 6, 2002, 11028
taxes an S corporation shareholder's distributive share of net 11029
profits of the S corporation to any greater extent than that 11030
permitted under division (F)(9) of this section may continue after 11031
2002 to tax such distributive shares to such greater extent only 11032
if a majority of the electors of the municipal corporation voting 11033
on the question of such continuation vote in favor thereof at an 11034
election held on November 4, 2003. ~~If a majority of electors vote 11035
in favor of that question, then, for purposes of section 718.14 of 11036
the Revised Code, "pass through entity" includes S corporations, 11037
"income from a pass through entity" includes distributive shares 11038
from an S corporation, and "owner" includes a shareholder of an S 11039
corporation, notwithstanding that section to the contrary.~~ 11040

(I) Nothing in this section or section 718.02 of the Revised 11041
Code shall authorize the levy of any tax on income that a 11042
municipal corporation is not authorized to levy under existing 11043
laws or shall require a municipal corporation to allow a deduction 11044
from taxable income for losses incurred from a sole proprietorship 11045
or partnership. 11046

(J)(1) Nothing in this chapter prohibits a municipal 11047
corporation from allowing, by resolution or ordinance, a net 11048
operating loss carryforward. 11049

(2) Nothing in this chapter requires a municipal corporation 11050
to allow a net operating loss carryforward. 11051

Sec. 718.02. This section does not apply to electric 11052

~~companies or combined companies, or to electric light companies~~ 11053
~~for which an election made under section 5745.031 taxpayers that~~ 11054
~~are subject to and required to file reports under Chapter 5745. of~~ 11055
~~the Revised Code is in effect.~~ 11056

(A) ~~In the taxation of income that is subject to municipal~~ 11057
~~income taxes, if the books and records of a taxpayer conducting a~~ 11058
~~business or profession both within and without the boundaries of a~~ 11059
~~municipal corporation disclose with reasonable accuracy what~~ 11060
~~portion of its net profit is attributable to that part of the~~ 11061
~~business or profession conducted within the boundaries of the~~ 11062
~~municipal corporation, then only such portion shall be considered~~ 11063
~~as having a taxable situs in such municipal corporation for~~ 11064
~~purposes of municipal income taxation. In the absence of such~~ 11065
~~records~~ Except as otherwise provided in division (D) of this 11066
section, net profit from a business or profession conducted both 11067
within and without the boundaries of a municipal corporation shall 11068
be considered as having a taxable situs in such municipal 11069
corporation for purposes of municipal income taxation in the same 11070
proportion as the average ratio of the following: 11071

(1) The average ~~net book value~~ original cost of the real and 11072
tangible personal property owned or used by the taxpayer in the 11073
business or profession in such municipal corporation during the 11074
taxable period to the average ~~net book value~~ original cost of all 11075
of the real and tangible personal property owned or used by the 11076
taxpayer in the business or profession during the same period, 11077
wherever situated. 11078

As used in the preceding paragraph, real property shall 11079
include property rented or leased by the taxpayer and the value of 11080
such property shall be determined by multiplying the annual rental 11081
thereon by eight; 11082

(2) Wages, salaries, and other compensation paid during the 11083
taxable period to persons employed in the business or profession 11084

for services performed in such municipal corporation to wages, 11085
salaries, and other compensation paid during the same period to 11086
persons employed in the business or profession, wherever their 11087
services are performed, excluding compensation that is not taxable 11088
by the municipal corporation under section 718.011 of the Revised 11089
Code; 11090

(3) Gross receipts of the business or profession from sales 11091
made and services performed during the taxable period in such 11092
municipal corporation to gross receipts of the business or 11093
profession during the same period from sales and services, 11094
wherever made or performed. 11095

If the foregoing ~~allocation~~ apportionment formula does not 11096
produce an equitable result, another basis may be substituted, 11097
under uniform regulations, so as to produce an equitable result. 11098

(B) As used in division (A) of this section, "sales made in a 11099
municipal corporation" mean: 11100

(1) All sales of tangible personal property delivered within 11101
such municipal corporation regardless of where title passes if 11102
shipped or delivered from a stock of goods within such municipal 11103
corporation; 11104

(2) All sales of tangible personal property delivered within 11105
such municipal corporation regardless of where title passes even 11106
though transported from a point outside such municipal corporation 11107
if the taxpayer is regularly engaged through its own employees in 11108
the solicitation or promotion of sales within such municipal 11109
corporation and the sales result from such solicitation or 11110
promotion; 11111

(3) All sales of tangible personal property shipped from a 11112
place within such municipal corporation to purchasers outside such 11113
municipal corporation regardless of where title passes if the 11114
taxpayer is not, through its own employees, regularly engaged in 11115

the solicitation or promotion of sales at the place where delivery 11116
is made. 11117

(C) Except as otherwise provided in division (D) of this 11118
section, net profit from rental activity not constituting a 11119
business or profession shall be subject to tax only by the 11120
municipal corporation in which the property generating the net 11121
profit is located. 11122

(D) This section does not apply to individuals who are 11123
residents of the municipal corporation and, except as otherwise 11124
provided in section 718.01 of the Revised Code, a municipal 11125
corporation may impose a tax on all income earned by residents of 11126
the municipal corporation to the extent allowed by the United 11127
States Constitution. 11128

Sec. 718.021. (A) As used in this section: 11129

(1) "Nonqualified deferred compensation plan" means a 11130
compensation plan described in section 3121(v)(2)(C) of the 11131
Internal Revenue Code. 11132

(2)(a) Except as provided in division (A)(2)(b) of this 11133
section, "qualifying loss" means the excess, if any, of the total 11134
amount of compensation the payment of which is deferred pursuant 11135
to a nonqualified deferred compensation plan over the total amount 11136
of income the taxpayer has recognized for federal income tax 11137
purposes for all taxable years on a cumulative basis as 11138
compensation with respect to the taxpayer's receipt of money and 11139
property attributable to distributions in connection with the 11140
nonqualified deferred compensation plan. 11141

(b) If, for one or more taxable years, the taxpayer has not 11142
paid to one or more municipal corporations income tax imposed on 11143
the entire amount of compensation the payment of which is deferred 11144
pursuant to a nonqualified deferred compensation plan, then the 11145

"qualifying loss" is the product of the amount resulting from the 11146
calculation described in division (A)(2)(a) of this section 11147
computed without regard to division (A)(2)(b) of this section and 11148
a fraction the numerator of which is the portion of such 11149
compensation on which the taxpayer has paid income tax to one or 11150
more municipal corporations and the denominator of which is the 11151
total amount of compensation the payment of which is deferred 11152
pursuant to a nonqualified deferred compensation plan. 11153

(c) With respect to a nonqualified deferred compensation 11154
plan, the taxpayer sustains a qualifying loss only in the taxable 11155
year in which the taxpayer receives the final distribution of 11156
money and property pursuant to that nonqualified deferred 11157
compensation plan. 11158

(3) "Qualifying tax rate" means the applicable tax rate for 11159
the taxable year for the which the taxpayer paid income tax to a 11160
municipal corporation with respect to any portion of the total 11161
amount of compensation the payment of which is deferred pursuant 11162
to a nonqualified deferred compensation plan. If different tax 11163
rates applied for different taxable years, then the "qualifying 11164
tax rate" is a weighted average of those different tax rates. The 11165
weighted average shall be based upon the tax paid to the municipal 11166
corporation each year with respect to the nonqualified deferred 11167
compensation plan. 11168

(B)(1) Except as provided in division (D) of this section, a 11169
refundable credit shall be allowed against the income tax imposed 11170
by a municipal corporation for each qualifying loss sustained by a 11171
taxpayer during the taxable year. The amount of the credit shall 11172
be equal to the product of the qualifying loss and the qualifying 11173
tax rate. 11174

(2) A taxpayer shall claim the credit allowed under this 11175
section from each municipal corporation to which the taxpayer paid 11176
municipal income tax with respect to the nonqualified deferred 11177

compensation plan in one or more taxable years. 11178

(3) If a taxpayer has paid tax to more than one municipal corporation with respect to the nonqualified deferred compensation plan, the amount of the credit that a taxpayer may claim from each municipal corporation shall be calculated on the basis of each municipal corporation's proportionate share of the total municipal corporation income tax paid by the taxpayer to all municipal corporations with respect to the nonqualified deferred compensation plan. 11179
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(4) In no case shall the amount of the credit allowed under this section exceed the cumulative income tax that a taxpayer has paid to a municipal corporation for all taxable years with respect to the nonqualified deferred compensation plan. 11187
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(C)(1) For purposes of this section, municipal corporation income tax that has been withheld with respect to a nonqualified deferred compensation plan shall be considered to have been paid by the taxpayer with respect to the nonqualified deferred compensation plan. 11191
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(2) Any municipal income tax that has been refunded or otherwise credited for the benefit of the taxpayer with respect to a nonqualified deferred compensation plan shall not be considered to have been paid to the municipal corporation by the taxpayer. 11196
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(D) The credit allowed under this section is allowed only to the extent the taxpayer's qualifying loss is attributable to: 11200
11201

(1) The insolvency or bankruptcy of the employer who had established the nonqualified deferred compensation plan; or 11202
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(2) The employee's failure or inability to satisfy all of the employer's terms and conditions necessary to receive the nonqualified deferred compensation. 11204
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Sec. 718.03. (A) As used in this section: 11207

(1) "Other payer" means any person, other than an individual's employer or the employer's agent, that pays an individual any amount included in the federal gross income of the individual. 11208
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(2) "Qualifying wages" means wages, as defined in section 3121(a) of the Internal Revenue Code, without regard to any wage limitations, adjusted as follows: 11212
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(a) Deduct any amount included in wages if the amount constitutes compensation attributable to a plan or program described in section 125 of the Internal Revenue Code. 11215
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(b) Add the following amounts: 11218

(i) Any amount not included in wages solely because the employee was employed by the employer prior to April 1, 1986; 11219
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(ii) Any amount not included in wages because the amount arises from the sale, exchange, or other disposition of a stock option, the exercise of a stock option, or the sale, exchange, or other disposition of stock purchased under a stock option and the municipal corporation has not, by resolution or ordinance, exempted the amount from withholding and tax. Division (A)(2)(b)(ii) of this section applies only to those amounts constituting ordinary income. 11221
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(iii) Any amount not included in wages if the amount is an amount described in section 401(k) or 457 of the Internal Revenue Code. Division (A)(2)(b)(iii) of this section applies only to employee contributions and employee deferrals. 11229
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(iv) Any amount that is supplemental unemployment compensation benefits described in section 3402(o)(2) of the Internal Revenue Code and not included in wages. 11233
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(c) Deduct any amount attributable to a nonqualified deferred compensation plan or program described in section 3121(v)(2)(C) of 11236
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the Internal Revenue Code if the compensation is included in wages 11238
and has, by resolution or ordinance, been exempted from taxation 11239
by the municipal corporation. 11240

(d) Deduct any amount included in wages if the amount arises 11241
from the sale, exchange, or other disposition of a stock option, 11242
the exercise of a stock option, or the sale, exchange, or other 11243
disposition of stock purchased under a stock option and the 11244
municipal corporation has, by resolution or ordinance, exempted 11245
the amount from withholding and tax. 11246

(B) For taxable years beginning after 2003, no municipal 11247
corporation shall require any employer or any agent of any 11248
employer or any other payer, to withhold tax with respect to any 11249
amount other than qualifying wages. Nothing in this section 11250
prohibits an employer from withholding tax on a basis greater than 11251
qualifying wages. 11252

(C) An employer is not required to make any withholding with 11253
respect to an individual's disqualifying disposition of an 11254
incentive stock option if, at the time of the disqualifying 11255
disposition, the individual is not an employee of the corporation 11256
with respect to whose stock the option has been issued. 11257

(D)(1) An employee is not relieved from liability for a tax 11258
by the failure of the employer to withhold the tax as required by 11259
a municipal corporation or by the employer's exemption from the 11260
requirement to withhold the tax. 11261

(2) The failure of an employer to remit to the municipal 11262
corporation the tax withheld relieves the employee from liability 11263
for that tax unless the employee colluded with the employer in 11264
connection with the failure to remit the tax withheld. 11265

(E) Compensation deferred before the effective date of this 11266
amendment is not subject to any municipal corporation income tax 11267
or municipal income tax withholding requirement to the extent the 11268

deferred compensation does not constitute qualifying wages at the 11269
time the deferred compensation is paid or distributed. 11270

Sec. 718.05. (A) As used in this section: 11271

(1) "Generic form" means an electronic or paper form designed 11272
for reporting estimated municipal income taxes and annual 11273
municipal income tax liability or for filing a refund claim that 11274
is not prescribed by a particular municipal corporation for the 11275
reporting of that municipal corporation's tax on income. 11276

(2) "Return preparer" means any person other than a taxpayer 11277
that is authorized by a taxpayer to complete or file an income tax 11278
return, report, or other document for or on behalf of the 11279
taxpayer. 11280

(B) A municipal corporation shall not require a taxpayer to 11281
file an annual income tax return or report prior to the filing 11282
date for the corresponding tax reporting period as prescribed for 11283
such a taxpayer under the Internal Revenue Code. For taxable years 11284
beginning after 2003, except as otherwise provided in section 11285
718.051 of the Revised Code and division (D) of this section, a 11286
municipal corporation shall not require a taxpayer to file an 11287
annual income tax return or report on any date other than the 11288
fifteenth day of the fourth month following the end of the 11289
taxpayer's taxable year. 11290

(C) On and after January 1, 2001, any municipal corporation 11291
that requires taxpayers to file income tax returns, reports, or 11292
other documents shall accept for filing a generic form of such a 11293
return, report, or document if the generic form, once completed 11294
and filed, contains all of the information required to be 11295
submitted with the municipal corporation's prescribed returns, 11296
reports, or documents, and if the taxpayer or return preparer 11297
filing the generic form otherwise complies with rules or 11298
ordinances of the municipal corporation governing the filing of 11299

returns, reports, or documents. 11300

(D) Beginning Except as otherwise provided in section 718.051 11301
of the Revised Code, beginning January 1, 2001, any taxpayer that 11302
has requested an extension for filing a federal income tax return 11303
may request an extension for the filing of a municipal income tax 11304
return. The taxpayer shall make the request by filing a copy of 11305
the taxpayer's request for a federal filing extension with the 11306
individual or office charged with the administration of the 11307
municipal income tax. The request for extension shall be filed not 11308
later than the last day for filing the municipal income tax return 11309
as prescribed by ordinance or rule of the municipal corporation. A 11310
municipal corporation shall grant such a request for extension 11311
filed before January 1, 2004, for a period not less than the 11312
period of the federal extension request. For taxable years 11313
beginning after 2003, the extended due date of the municipal 11314
income tax return shall be the last day of the month following the 11315
month to which the due date of the federal income tax return has 11316
been extended. A municipal corporation may deny a taxpayer's 11317
request for extension only if the taxpayer fails to timely file 11318
the request, fails to file a copy of the request for the federal 11319
extension, owes the municipal corporation any delinquent income 11320
tax or any penalty, interest, assessment, or other charge for the 11321
late payment or nonpayment of income tax, or has failed to file 11322
any required income tax return, report, or other related document 11323
for a prior tax period. The granting of an extension for filing a 11324
municipal corporation income tax return does not extend the last 11325
date for paying the tax without penalty unless the municipal 11326
corporation grants an extension of that date. 11327

Sec. 718.051. (A) As used in this section, "Ohio business 11328
gateway" means the online computer network system, initially 11329
created by the department of administrative services under section 11330
125.30 of the Revised Code, that allows private businesses to 11331

electronically file business reply forms with state agencies and 11332
includes any successor electronic filing and payment system. 11333

(B) Notwithstanding section 718.05 of the Revised Code, on 11334
and after January 1, 2005, any taxpayer that is subject to any 11335
municipal corporation's tax on the net profit from a business or 11336
profession and has received an extension to file the federal 11337
income tax return shall not be required to notify the municipal 11338
corporation of the federal extension and shall not be required to 11339
file any municipal income tax return until the last day of the 11340
month to which the due date for filing the federal return has been 11341
extended, provided that, on or before the date for filing the 11342
municipal income tax return, the person notifies the tax 11343
commissioner of the federal extension through the Ohio business 11344
gateway. An extension of time to file is not an extension of the 11345
time to pay any tax due. 11346

(C) For taxable years beginning on or after January 1, 2005, 11347
a taxpayer subject to any municipal corporation's tax on the net 11348
profit from a business or profession may file any municipal income 11349
tax return or estimated municipal income return, and may make 11350
payment of amounts shown to be due on such returns, by using the 11351
Ohio business gateway. 11352

(D)(1) As used in this division, "qualifying wages" has the 11353
same meaning as in section 718.03 of the Revised Code. 11354

(2) Any employer may report the amount of municipal income 11355
tax withheld from qualifying wages paid on or after January 1, 11356
2007, and may make remittance of such amounts, by using the Ohio 11357
business gateway. 11358

(E) Nothing in this section affects the due dates for filing 11359
employer withholding tax returns. 11360

(F) No municipal corporation shall be required to pay any fee 11361
or charge for the operation or maintenance of the Ohio business 11362

gateway. 11363

(G) The use of the Ohio business gateway by municipal corporations, taxpayers, or other persons pursuant to this section does not affect the legal rights of municipalities or taxpayers as otherwise permitted by law. This state shall not be a party to the administration of municipal income taxes or to an appeal of a municipal income tax matter, except as otherwise specifically provided by law. 11364
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(H)(1) The tax commissioner shall adopt rules establishing: 11371

(a) The format of documents to be used by taxpayers to file returns and make payments through the Ohio business gateway; and 11372
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(b) The information taxpayers must submit when filing municipal income tax returns through the Ohio business gateway. 11374
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(2) The commissioner shall consult with the Ohio business gateway steering committee before adopting the rules described in division (H)(1) of this section. 11376
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(I) Nothing in this section shall be construed as limiting or removing the ability of any municipal corporation to administer, audit, and enforce the provisions of its municipal income tax. 11379
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Sec. 718.11. ~~As used in this section, "tax administrator" means the individual charged with direct responsibility for administration of a tax levied by a municipal corporation on income.~~ 11382
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~~Not later than one hundred eighty days after the effective date of this section, the~~ The legislative authority of each municipal corporation that imposes a tax on income ~~on that~~ effective date shall ~~establish by ordinance~~ maintain a board to hear appeals as provided in this section. The legislative authority of any municipal corporation that does not impose a tax on income on the effective date of this ~~section~~ amendment, but 11386
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that imposes such a tax after that date, shall establish such a board by ordinance not later than one hundred eighty days after the tax takes effect.

Whenever a tax administrator issues a decision regarding a municipal income tax obligation that is subject to appeal as provided in this section or in an ordinance or regulation of the municipal corporation, the tax administrator shall notify the taxpayer in writing at the same time of the taxpayer's right to appeal the decision and of the manner in which the taxpayer may appeal the decision.

Any person who is aggrieved by a decision by the tax administrator and who has filed with the municipal corporation the required returns or other documents pertaining to the municipal income tax obligation at issue in the decision may appeal the decision to the board created pursuant to this section by filing a request with the board. The request shall be in writing, shall state why the decision should be deemed incorrect or unlawful, and shall be filed within thirty days after the tax administrator issues the decision complained of.

The board shall schedule a hearing within forty-five days after receiving the request, unless the taxpayer waives a hearing. If the taxpayer does not waive the hearing, the taxpayer may appear before the board and may be represented by an attorney at law, certified public accountant, or other representative.

The board may affirm, reverse, or modify the tax administrator's decision or any part of that decision. The board shall issue a final decision on the appeal within ninety days after the board's final hearing on the appeal, and send ~~notice a~~ copy of its final decision by ordinary mail to ~~the petitioner~~ all of the parties to the appeal within fifteen days after issuing the decision. The taxpayer or the tax administrator may appeal the board's decision as provided in section 5717.011 of the Revised

Code. 11425

Each board of appeal created pursuant to this section shall 11426
adopt rules governing its procedures and shall keep a record of 11427
its transactions. Such records are not public records available 11428
for inspection under section 149.43 of the Revised Code. Hearings 11429
requested by a taxpayer before a board of appeal created pursuant 11430
to this section are not meetings of a public body subject to 11431
section 121.22 of the Revised Code. 11432

Sec. 718.121. (A) Except as provided in division (B) of this 11433
section, if tax or withholding is paid to a municipal corporation 11434
on income or wages, and if a second municipal corporation imposes 11435
a tax on that income or wages after the time period allowed for a 11436
refund of the tax or withholding paid to the first municipal 11437
corporation, the second municipal corporation shall allow a 11438
nonrefundable credit, against the tax or withholding the second 11439
municipality claims is due with respect to such income or wages, 11440
equal to the tax or withholding paid to the first municipal 11441
corporation with respect to such income or wages. 11442

(B) If the tax rate in the second municipal corporation is 11443
less than the tax rate in the first municipal corporation, then 11444
the credit described in division (A) of this section shall be 11445
calculated using the tax rate in effect in the second municipal 11446
corporation. 11447

(C) Nothing in this section permits any credit carryforward. 11448

Sec. 718.14. (A) As used in this section: 11449

(1) "Limited liability company" means a limited liability 11450
company formed under Chapter 1705. of the Revised Code or under 11451
the laws of another state. 11452

(2) "Pass-through entity" means a partnership, limited 11453
liability company, S corporation, or any other class of entity the 11454

income or profits from which are given pass-through treatment 11455
under the Internal Revenue Code, ~~excluding an S corporation.~~ 11456

(3) "Income from a pass-through entity" means partnership 11457
income of partners, membership interests of members of a limited 11458
liability company, distributive shares of shareholders of an S 11459
corporation, or other distributive or proportionate ownership 11460
shares of income from other pass-through entities. 11461

(4) "Owner" means a partner of a partnership, a member of a 11462
limited liability company, a shareholder of an S corporation, or 11463
other person with an ownership interest in a pass-through entity. 11464

(5) "Owner's proportionate share," with respect to each owner 11465
of a pass-through entity, means the ratio of (a) the owner's 11466
income from the pass-through entity that is subject to taxation by 11467
the municipal corporation, to (b) the total income from that 11468
entity of all owners whose income from the entity is subject to 11469
taxation by that municipal corporation. 11470

(B) On and after January 1, 2003, any municipal corporation 11471
imposing a tax that applies to income from a pass-through entity 11472
shall grant a credit to each owner who is domiciled in the 11473
municipal corporation for taxes paid to another municipal 11474
corporation by a pass-through entity that does not conduct 11475
business in the municipal corporation. The amount of the credit 11476
shall equal the lesser of the following amounts, subject to 11477
division (C) of this section: 11478

(1) The owner's proportionate share of the amount, if any, of 11479
tax paid by the pass-through entity to another municipal 11480
corporation in this state; 11481

(2) The owner's proportionate share of the amount of tax that 11482
would be imposed on the pass-through entity by the municipal 11483
corporation in which the taxpayer is domiciled if the pass-through 11484
entity conducted business in the municipal corporation. 11485

(C) If a municipal corporation grants a credit for a 11486
percentage, less than one hundred per cent, of the amount of 11487
income taxes paid on compensation by an individual who resides or 11488
is domiciled in the municipal corporation to another municipal 11489
corporation, the amount of credit otherwise required by division 11490
(B) of this section shall be multiplied by that percentage. 11491

(D) On and after January 1, 2003, any municipal corporation 11492
that imposes a tax on income of or from a pass-through entity 11493
shall specify by ordinance or rule whether the tax applies to 11494
income of the pass-through entity in the hands of the entity or to 11495
income from the pass-through entity in the hands of the owners of 11496
the entity. A municipal corporation may specify a different 11497
ordinance or rule under this division for each of the classes of 11498
pass-through entity enumerated in division (A)(2) of this section. 11499

Sec. 718.15. A municipal corporation, by ordinance, may grant 11500
a refundable or nonrefundable credit against its tax on income to 11501
a taxpayer that also receives a tax credit under section 122.17 of 11502
the Revised Code. If a credit is granted under this section, it 11503
shall be measured as a percentage of the new income tax revenue 11504
the municipal corporation derives from new employees of the 11505
taxpayer and shall be for a term not exceeding ~~ten~~ fifteen years. 11506
Before the municipal corporation passes an ordinance granting a 11507
credit, the municipal corporation and the taxpayer shall enter 11508
into an agreement specifying all the conditions of the credit. 11509
11510

Sec. 718.151. A municipal corporation, by ordinance, may 11511
grant a nonrefundable credit against its tax on income to a 11512
taxpayer that also receives a tax credit under section 122.171 of 11513
the Revised Code. If a credit is granted under this section, it 11514
shall be measured as a percentage of the income tax revenue the 11515

municipal corporation derives from the retained employees of the taxpayer, and shall be for a term not exceeding ~~ten~~ fifteen years. Before a municipal corporation passes an ordinance allowing such a credit, the municipal corporation and the taxpayer shall enter into an agreement specifying all the conditions of the credit.

Sec. 731.14. All contracts made by the legislative authority of a village shall be executed in the name of the village and signed on its behalf by the mayor and clerk. Except where the contract is for equipment, services, materials, or supplies to be purchased under division (D) of section 713.23 or section 125.04 or 5513.01 of the Revised Code or available from a qualified nonprofit agency pursuant to sections 4115.31 to 4115.35 of the Revised Code, when any expenditure, other than the compensation of persons employed ~~therein~~ in the village, exceeds ~~fifteen~~ twenty-five thousand dollars, such contracts shall be in writing and made with the lowest and best bidder after advertising for not less than two nor more than four consecutive weeks in a newspaper of general circulation within the village. The bids shall be opened and shall be publicly read by the clerk of ~~such~~ the village or a person designated by the clerk at the time, date, and place specified in the advertisement to bidders or specifications. The time, date, and place of bid openings may be extended to a later date by the legislative authority of the village, provided that written or oral notice of the change shall be given to all persons who have received or requested specifications no later than ninety-six hours prior to the original time and date fixed for the opening. This section does not apply to those villages that have provided for the appointment of a village administrator under section 735.271 of the Revised Code.

Sec. 731.141. In those villages that have established the position of village administrator, as provided by section 735.271

of the Revised Code, the village administrator shall make 11547
contracts, purchase supplies and materials, and provide labor for 11548
any work under the administrator's supervision involving not more 11549
than ~~fifteen~~ twenty-five thousand dollars. When an expenditure, 11550
other than the compensation of persons employed by the village, 11551
exceeds ~~fifteen~~ twenty-five thousand dollars, ~~such~~ the expenditure 11552
shall first be authorized and directed by ordinance of the 11553
legislative authority of the village. When so authorized and 11554
directed, except where the contract is for equipment, services, 11555
materials, or supplies to be purchased under division (D) of 11556
section 713.23 or section 125.04 or 5513.01 of the Revised Code or 11557
available from a qualified nonprofit agency pursuant to sections 11558
4115.31 to 4115.35 of the Revised Code, the village administrator 11559
shall make a written contract with the lowest and best bidder 11560
after advertisement for not less than two nor more than four 11561
consecutive weeks in a newspaper of general circulation within the 11562
village. The bids shall be opened and shall be publicly read by 11563
the village administrator or a person designated by the village 11564
administrator at the time, date, and place as specified in the 11565
advertisement to bidders or specifications. The time, date, and 11566
place of bid openings may be extended to a later date by the 11567
village administrator, provided that written or oral notice of the 11568
change shall be given to all persons who have received or 11569
requested specifications no later than ninety-six hours prior to 11570
the original time and date fixed for the opening. All contracts 11571
shall be executed in the name of the village and signed on its 11572
behalf by the village administrator and the clerk. 11573

The legislative authority of a village may provide, by 11574
ordinance, for central purchasing for all offices, departments, 11575
divisions, boards, and commissions of the village, under the 11576
direction of the village administrator, who shall make contracts, 11577
purchase supplies or materials, and provide labor for any work of 11578
the village in the manner provided by this section. 11579

Sec. 735.05. The director of public service may make any 11580
contract, purchase supplies or material, or provide labor for any 11581
work under the supervision of the department of public service 11582
involving not more than ~~fifteen~~ twenty-five thousand dollars. When 11583
an expenditure within the department, other than the compensation 11584
of persons employed ~~therein~~ in the department, exceeds ~~fifteen~~ 11585
twenty-five thousand dollars, ~~such~~ the expenditure shall first be 11586
authorized and directed by ordinance of the city legislative 11587
authority. When so authorized and directed, except where the 11588
contract is for equipment, services, materials, or supplies to be 11589
purchased under division (D) of section 713.23 or section 125.04 11590
or 5513.01 of the Revised Code or available from a qualified 11591
nonprofit agency pursuant to sections 4115.31 to 4115.35 of the 11592
Revised Code, the director shall make a written contract with the 11593
lowest and best bidder after advertisement for not less than two 11594
nor more than four consecutive weeks in a newspaper of general 11595
circulation within the city. 11596

Sec. 737.03. The director of public safety shall manage^r and 11597
make all contracts with reference to ~~the~~ police stations, fire 11598
houses, reform schools, infirmaries, hospitals, workhouses, farms, 11599
pesthouses, and all other charitable and reformatory institutions. 11600
In the control and supervision of those institutions, the director 11601
shall be governed by the provisions of Title VII of the Revised 11602
Code relating to those institutions. 11603

The director may make all contracts and expenditures of money 11604
for acquiring lands for the erection or repairing of station 11605
houses, police stations, fire department buildings, fire cisterns, 11606
and plugs, that are required, for the purchase of engines, 11607
apparatus, and all other supplies necessary for the police and 11608
fire departments, and for other undertakings and departments under 11609
the director's supervision, but no obligation involving an 11610

expenditure of more than ~~fifteen~~ twenty-five thousand dollars 11611
shall be created unless first authorized and directed by 11612
ordinance. In making, altering, or modifying those contracts, the 11613
director shall be governed by sections 735.05 to 735.09 of the 11614
Revised Code, except that all bids shall be filed with and opened 11615
by the director. The director shall make no sale or disposition of 11616
any property belonging to the city without first being authorized 11617
by resolution or ordinance of the city legislative authority. 11618

Sec. 753.22. (A) The director of public safety or the joint 11619
board established pursuant to section 753.15 of the Revised Code 11620
may establish a commissary for the workhouse. The commissary may 11621
be established either in-house or by another arrangement. If a 11622
commissary is established, all persons incarcerated in the 11623
workhouse shall receive commissary privileges. A person's 11624
purchases from the commissary shall be deducted from the person's 11625
account record in the workhouse's business office. The commissary 11626
shall provide for the distribution to indigent persons 11627
incarcerated in the workhouse necessary hygiene articles and 11628
writing materials. 11629

(B) If a commissary is established, the director of public 11630
safety or the joint board established pursuant to section 753.15 11631
of the Revised Code shall establish a commissary fund for the 11632
workhouse. The management of funds in the commissary fund shall be 11633
strictly controlled in accordance with procedures adopted by the 11634
auditor of state. Commissary fund revenue over and above operating 11635
costs and reserve shall be considered profits. All profits from 11636
the commissary fund shall be used to purchase supplies and 11637
equipment for the benefit of persons incarcerated in the workhouse 11638
and to pay salary and benefits for employees of the workhouse, or 11639
for any other persons, who work in or are employed for the sole 11640
purpose of providing service to the commissary. The director of 11641
public safety or the joint board established pursuant to section 11642

753.15 of the Revised Code shall adopt rules and regulations for 11643
the operation of any commissary fund the director or the joint 11644
board establishes. 11645

Sec. 901.17. ~~(A)~~ The division of markets ~~shall~~ may do all of 11646
the following: 11647

~~(1)~~(A) Investigate the cost of production and marketing in 11648
all its phases; 11649

~~(2)~~(B) Gather and disseminate information concerning supply, 11650
demand, prevailing prices, and commercial movements, including 11651
common and cold storage of food products, and maintain market news 11652
service for disseminating such information; 11653

~~(3)~~(C) Promote, assist, and encourage the organization and 11654
operation of cooperative and other associations and organizations 11655
for improving the relations and services among producers, 11656
distributors, and consumers of food products; 11657

~~(4)~~(D) Investigate the practice, methods, and any specific 11658
transaction of commission merchants and others who receive, 11659
solicit, buy, or handle on commission or otherwise, food products; 11660

~~(5)~~(E) Act as mediator or arbitrator, when invited, in any 11661
controversy or issue that arises between producers and 11662
distributors and that affects the interest of the consumer; 11663

~~(6)~~(F) Act on behalf of the consumers in conserving and 11664
protecting their interests in every practicable way against 11665
excessive prices; 11666

~~(7)~~(G) Act as market adviser for producers and distributors, 11667
assisting them in economical and efficient distribution of good 11668
products at fair prices; 11669

~~(8)~~(H) Encourage the establishment of retail municipal 11670
markets and develop direct dealing between producers and 11671
consumers; 11672

~~(9)(I) Encourage the consumption of Ohio-grown products 11673
within the state, nationally, and internationally, and inspect and 11674
determine the grade and condition of farm produce, both at 11675
collecting and receiving centers within the state; 11676~~

~~(10)(J) Take such means and use such powers, relative to 11677
shipment, transportation, and storage of foodstuffs of any kind, 11678
as are necessary, advisable, or desirable in case of an emergency 11679
creating or threatening to create a scarcity of food within the 11680
state; 11681~~

(K) Participate in trade missions between states and foreign 11682
countries in order to encourage the sale and promotion of 11683
Ohio-grown products. 11684

~~(B)(1) The director of agriculture shall adopt and may amend 11685
schedules of fees to be charged for inspecting farm produce at 11686
collecting and receiving centers or such other services as may be 11687
rendered under this section. All such fees shall be made with a 11688
view to the minimum cost and to make this branch of the department 11689
of agriculture self-sustaining. 11690~~

~~The fees shall be deposited in the state treasury and 11691
credited to the inspection fund, which is hereby created, for use 11692
in carrying out the purposes of this section. All investment 11693
earnings of the inspection fund shall be credited to the fund. If, 11694
in any year, the balance in the inspection fund is not sufficient 11695
to meet the expenses incurred pursuant to this section, the 11696
deficit shall be paid from funds appropriated for the use of the 11697
department. 11698~~

~~(2) The director may adopt a schedule of fees to be charged 11699
for inspecting any agricultural product for the purposes of the 11700
issuance of an export certificate, as may be required by the 11701
United States department of agriculture or foreign purchasers. 11702
Such fees shall be credited to the general revenue fund. 11703~~

Sec. 901.21. (A) As used in this section and section 901.22 11704
of the Revised Code: 11705

(1) "Agricultural easement" has the same meaning as in 11706
section 5301.67 of the Revised Code. 11707

(2) "Agriculture" means those activities occurring on land 11708
devoted exclusively to agricultural use, as defined in section 11709
5713.30 of the Revised Code, or on land that constitutes a 11710
homestead. 11711

(3) "Homestead" means the portion of a farm on which is 11712
located a dwelling house, yard, or outbuildings such as a barn or 11713
garage. 11714

(B) The director of agriculture may acquire real property 11715
used predominantly in agriculture and agricultural easements by 11716
gift, devise, or bequest if, at the time an easement is granted, 11717
such an easement is on land that is valued for purposes of real 11718
property taxation at its current value for agricultural use under 11719
section 5713.31 of the Revised Code or that constitutes a 11720
homestead. Any terms may be included in an agricultural easement 11721
so acquired that are necessary or appropriate to preserve on 11722
behalf of the grantor of the easement the favorable tax 11723
consequences of the gift, devise, or bequest under the "Internal 11724
Revenue Act of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended. 11725
The director, by any such means or by purchase or lease, may 11726
acquire, or acquire the use of, stationary personal property or 11727
equipment that is located on land acquired in fee by the director 11728
under this section and that is necessary or appropriate for the 11729
use of the land predominantly in agriculture. 11730

(C) The director may do all things necessary or appropriate 11731
to retain the use of real property acquired in fee under division 11732
(B) of this section predominantly in agriculture, including, 11733

without limitation, performing any of the activities described in 11734
division (A)(1) or (2) of section 5713.30 of the Revised Code or 11735
entering into contracts to lease or rent the real property so 11736
acquired to persons or governmental entities that will use the 11737
land predominantly in agriculture. 11738

(D)(1) When the director considers it to be necessary or 11739
appropriate, the director may sell real property acquired in fee, 11740
and stationary personal property or equipment acquired by gift, 11741
devise, bequest, or purchase, under division (B) of this section 11742
on such terms as the director considers to be advantageous to this 11743
state. 11744

(2) An agricultural easement acquired under division (B) of 11745
this section may be extinguished under the circumstances 11746
prescribed, and in accordance with the terms and conditions set 11747
forth, in the instrument conveying the agricultural easement. 11748

(E) There is hereby created in the state treasury the 11749
agricultural easement purchase fund. The fund shall consist of the 11750
proceeds received from the sale of real and personal property 11751
under division (D) of this section; moneys received due to the 11752
extinguishment of agricultural easements acquired by the director 11753
under division (B) of this section or section 5301.691 of the 11754
Revised Code; moneys received due to the extinguishment of 11755
agricultural easements purchased with the assistance of matching 11756
grants made under section 901.22 of the Revised Code; gifts, 11757
bequests, devises, and contributions received by the director for 11758
the purpose of acquiring agricultural easements; and grants 11759
received from public or private sources for the purpose of 11760
purchasing agricultural easements. The fund shall be administered 11761
by the director, and moneys in the fund shall be used by the 11762
director exclusively to purchase agricultural easements under 11763
division (A) of section 5301.691 of the Revised Code and provide 11764
matching grants under section 901.22 of the Revised Code to 11765

municipal corporations, counties, townships, and charitable 11766
organizations for the purchase of agricultural easements. Money in 11767
the fund shall be used only to purchase agricultural easements on 11768
land that is valued for purposes of real property taxation at its 11769
current value for agricultural use under section 5713.31 of the 11770
Revised Code or that constitutes a homestead when the easement is 11771
purchased. 11772

(F) There is hereby created in the state treasury the clean 11773
Ohio agricultural easement fund. Twelve and one-half per cent of 11774
net proceeds of obligations issued and sold pursuant to sections 11775
151.01 and 151.09 of the Revised Code shall be deposited into the 11776
fund. The fund shall be used by the director for the purposes of 11777
sections 901.21 and 901.22 and the provisions of sections 5301.67 11778
to 5301.70 of the Revised Code governing agricultural easements. 11779
Investment earnings of the fund shall be credited to the fund. ~~For~~ 11780
~~two years after the effective date of this amendment, investment~~ 11781
~~earnings credited to the fund~~ and may be used to pay costs 11782
incurred by the director in administering those sections and 11783
provisions. 11784

(G) The term of an agricultural easement purchased wholly or 11785
in part with money from the clean Ohio agricultural easement fund 11786
or the agricultural easement purchase fund shall be perpetual and 11787
shall run with the land. 11788

Sec. 901.22. (A) The director of agriculture, in accordance 11789
with Chapter 119. of the Revised Code, shall adopt rules that do 11790
all of the following: 11791

(1) Establish procedures and eligibility criteria for making 11792
matching grants to municipal corporations, counties, townships, 11793
and charitable organizations described in division (B) of section 11794
5301.69 of the Revised Code for the purchase of agricultural 11795
easements. With respect to agricultural easements that are 11796

purchased or proposed to be purchased with such matching grants	11797
that consist in whole or in part of moneys from the clean Ohio	11798
agricultural easement fund created in section 901.21 of the	11799
Revised Code, the rules shall establish all of the following:	11800
(a) Procedures for all of the following:	11801
(i) Soliciting and accepting applications for matching	11802
grants;	11803
(ii) Participation by local governments and by the public in	11804
the process of making matching grants to charitable organizations;	11805
(iii) Notifying local governments, charitable organizations,	11806
and organizations that represent the interests of farmers of the	11807
ranking system established in rules adopted under division	11808
(A)(1)(b) of this section.	11809
(b) A ranking system for applications for the matching grants	11810
that is based on the soil type, proximity of the land or other	11811
land that is conducive to agriculture as defined by rules adopted	11812
under this section and that is the subject of an application to	11813
other agricultural land or other land that is conducive to	11814
agriculture as defined by rules adopted under this section and	11815
that is already or is in the process of becoming permanently	11816
protected from development, farm stewardship, development	11817
pressure, and, if applicable, a local comprehensive land use plan	11818
involved with a proposed agricultural easement. The rules shall	11819
require that preference be given to proposed agricultural	11820
easements that involve the greatest proportion of all of the	11821
following:	11822
(i) Prime soils, unique or locally important soils,	11823
microclimates, or similar features;	11824
(ii) Land that is adjacent to or that is in close proximity	11825
to other agricultural land or other land that is conducive to	11826
agriculture as defined by rules adopted under this section and	11827

that is already or is in the process of becoming permanently 11828
protected from development, by agricultural easement or otherwise, 11829
so that a buffer would exist between the land involving the 11830
proposed agricultural easement and areas that have been developed 11831
or likely will be developed for purposes other than agriculture; 11832

(iii) The use of best management practices, including 11833
federally or state approved conservation plans, and a history of 11834
substantial compliance with applicable federal and state laws; 11835

(iv) Development pressure that is imminent, but not a result 11836
of current location in the direct path of urban development; 11837

(v) Areas identified for agricultural protection in local 11838
comprehensive land use plans. 11839

(c) Any other criteria that the director determines are 11840
necessary for selecting applications for matching grants; 11841

(d) Requirements regarding the information that must be 11842
included in the annual monitoring report that must be prepared for 11843
an agricultural easement under division (D)(2) of section 5301.691 11844
of the Revised Code, procedures for submitting a copy of the 11845
report to the office of farmland preservation in the department of 11846
agriculture, and requirements and procedures governing corrective 11847
actions that may be necessary to enforce the terms of the 11848
agricultural easement. 11849

(2) Establish provisions that shall be included in the 11850
instrument conveying to a municipal corporation, county, township, 11851
or charitable organization any agricultural easement purchased 11852
with matching grant funds provided by the director under this 11853
section, including, without limitation, all of the following 11854
provisions: 11855

(a) A provision stating that an easement so purchased may be 11856
extinguished only if an unexpected change in the conditions of or 11857
surrounding the land that is subject to the easement makes 11858

impossible or impractical the continued use of the land for the 11859
purposes described in the easement, or if the requirements of the 11860
easement are extinguished by judicial proceedings; 11861

(b) A provision requiring that, upon the sale, exchange, or 11862
involuntary conversion of the land subject to the easement, the 11863
holder of the easement shall be paid an amount of money that is at 11864
least equal to the proportionate value of the easement compared to 11865
the total value of the land at the time the easement was acquired; 11866

(c) A provision requiring that, upon receipt of the portion 11867
of the proceeds of a sale, exchange, or involuntary conversion 11868
described in division (A)(2)(b) of this section, the municipal 11869
corporation, county, township, or charitable organization remit to 11870
the director an amount of money equal to the percentage of the 11871
cost of purchasing the easement it received as a matching grant 11872
under this section. 11873

Moneys received by the director pursuant to rules adopted 11874
under division (A)(2)(c) of this section shall be credited to the 11875
agricultural easement purchase fund created in section 901.21 of 11876
the Revised Code. 11877

(3) Establish a provision that provides a charitable 11878
organization described in division (B) of section 5301.69 of the 11879
Revised Code, municipal corporation, township, or county with the 11880
option of purchasing agricultural easements either in installments 11881
or with a lump sum payment. The rules shall include a requirement 11882
that a charitable organization, municipal corporation, township, 11883
or county negotiate with the seller of the agricultural easement 11884
concerning any installment payment terms, including the dates and 11885
amounts of payments and the interest rate on the outstanding 11886
balance. The rules also shall require the director to approve any 11887
method of payment that is undertaken in accordance with the rules 11888
adopted under division (A)(3) of this section. 11889

(4) Establish any other requirements that the director 11890
considers to be necessary or appropriate to implement or 11891
administer a program to make matching grants under this section 11892
and monitor those grants. 11893

(B) The director may develop guidelines regarding the 11894
acquisition of agricultural easements by the department of 11895
agriculture and the provisions of instruments conveying those 11896
easements. The director may make the guidelines available to 11897
public and private entities authorized to acquire and hold 11898
agricultural easements. 11899

(C) The director may provide technical assistance in 11900
developing a program for the acquisition and monitoring of 11901
agricultural easements to public and private entities authorized 11902
to hold agricultural easements. The technical assistance may 11903
include, without limitation, reviewing and providing advisory 11904
recommendations regarding draft instruments conveying agricultural 11905
easements. 11906

(D) The director may make matching grants from the 11907
agricultural easement purchase fund and the clean Ohio 11908
agricultural easement fund to municipal corporations, counties, 11909
townships, and charitable organizations described in division (B) 11910
of section 5301.69 of the Revised Code, to assist those political 11911
subdivisions and charitable organizations in purchasing 11912
agricultural easements. Application for a matching grant shall be 11913
made on forms prescribed and provided by the director. The 11914
matching grants shall be made in compliance with the criteria and 11915
procedures established in rules adopted under this section. 11916
Instruments conveying agricultural easements purchased with 11917
matching grant funds provided under this section, at a minimum, 11918
shall include the mandatory provisions set forth in those rules. 11919

Matching grants made under this division using moneys from 11920

the clean Ohio agricultural easement fund created in section 11921
901.21 of the Revised Code may provide up to seventy-five per cent 11922
of the value of an agricultural easement as determined by a 11923
general real estate appraiser who is certified under Chapter 4763. 11924
of the Revised Code. Not less than twenty-five per cent of the 11925
value of the agricultural easement shall be provided by the 11926
recipient of the matching grant or donated by the person who is 11927
transferring the easement to the grant recipient. The amount of 11928
such a matching grant used for the purchase of a single 11929
agricultural easement shall not exceed one million dollars. 11930

(E) For any agricultural easement purchased with a matching 11931
grant that consists in whole or in part of moneys from the clean 11932
Ohio agricultural easement fund, the director shall be named as a 11933
grantee on the instrument conveying the easement, as shall the 11934
municipal corporation, county, township, or charitable 11935
organization that receives the grant. 11936

(F)(1) The director shall monitor and evaluate the 11937
effectiveness and efficiency of the agricultural easement program 11938
as a farmland preservation tool. On or before July 1, 1999, and 11939
the first day of July of each year thereafter, the director shall 11940
prepare and submit a report to the chairpersons of the standing 11941
committees of the senate and the house of representatives that 11942
consider legislation regarding agriculture. The report shall 11943
consider and address the following criteria to determine the 11944
program's effectiveness: 11945

(a) The number of agricultural easements purchased during the 11946
preceding year; 11947

(b) The location of those easements; 11948

(c) The number of acres of land preserved for agricultural 11949
use; 11950

(d) The amount of money used by a municipal corporation, 11951

township, or county from its general fund or special fund to	11952
purchase the agricultural easements;	11953
(e) The number of state matching grants given to purchase the	11954
agricultural easements;	11955
(f) The amount of state matching grant moneys used to	11956
purchase the agricultural easements.	11957
(2) The report also shall consider and include, at a minimum,	11958
the following information for each county to determine the	11959
program's efficiency:	11960
(a) The total number of acres in the county;	11961
(b) The total number of acres in current agricultural use;	11962
(c) The total number of acres preserved for agricultural use	11963
in the preceding year;	11964
(d) The average cost, per acre, of land preserved for	11965
agricultural use in the preceding year.	11966
Sec. 901.63. (A) The agricultural financing commission shall	11967
do both of the following until July 1, 2003 <u>October 15, 2005</u> :	11968
(1) Make recommendations to the director of agriculture about	11969
financial assistance applications made pursuant to sections 901.80	11970
to 901.83 of the Revised Code. In making its recommendations, the	11971
commission shall utilize criteria established by rules adopted	11972
under division (A)(8)(b) of section 901.82 of the Revised Code.	11973
(2) Advise the director in the administration of sections	11974
901.80 to 901.83 of the Revised Code.	11975
With respect to sections 901.80 to 901.83 of the Revised	11976
Code, the role of the commission is solely advisory. No officer,	11977
member, or employee of the commission is liable for damages in a	11978
civil action for any injury, death, or loss to person or property	11979
that allegedly arises out of purchasing any loan or providing a	11980

loan guarantee, failure to purchase a loan or provide a loan	11981
guarantee, or failure to take action under sections 901.80 to	11982
901.83 of the Revised Code, or that allegedly arises out of any	11983
act or omission of the department of agriculture that involves	11984
those sections.	11985
(B) The commission may:	11986
(1) Adopt bylaws for the conduct of its business;	11987
(2) Exercise all rights, powers, and duties conferred on the	11988
commission as an issuer under Chapter 902. of the Revised Code;	11989
(3) Contract with, retain, or designate financial	11990
consultants, accountants, and such other consultants and	11991
independent contractors as the commission may determine to be	11992
necessary or appropriate to carry out the purposes of this chapter	11993
and to fix the terms of those contracts;	11994
(4) Undertake and carry out or authorize the completion of	11995
studies and analyses of agricultural conditions and needs within	11996
the state relevant to the purpose of this chapter to the extent	11997
not otherwise undertaken by other departments or agencies of the	11998
state satisfactory for that purpose;	11999
(5) Acquire by gift, purchase, foreclosure, or other means,	12000
and hold, assign, pledge, lease, transfer, or otherwise dispose	12001
of, real and personal property, or any interest in that real and	12002
personal property, in the exercise of its powers and the	12003
performance of its duties under this chapter and Chapter 902. of	12004
the Revised Code;	12005
(6) Receive and accept gifts, grants, loans, or any other	12006
financial or other form of aid from any federal, state, local, or	12007
private agency or fund and enter into any contract with any such	12008
agency or fund in connection therewith, and receive and accept aid	12009
or contributions from any other source of money, property, labor,	12010
or things of value, to be held, used, and applied only for the	12011

purposes for which the grants and contributions are made, all 12012
within the purposes of this chapter and Chapter 902. of the 12013
Revised Code; 12014

(7) Sue and be sued in its own name with respect to its 12015
contracts or to enforce this chapter or its obligations or 12016
covenants made under this chapter and Chapter 902. of the Revised 12017
Code; 12018

(8) Make and enter into all contracts, commitments, and 12019
agreements, and execute all instruments necessary or incidental to 12020
the performance of its duties and the execution of its powers 12021
under this chapter and Chapter 902. of the Revised Code; 12022

(9) Adopt an official seal; 12023

(10) Do any and all things necessary or appropriate to carry 12024
out the public purposes and exercise the powers granted to the 12025
commission in this chapter and Chapter 902. of the Revised Code 12026
and the public purposes of Section 13 of Article VIII, Ohio 12027
Constitution. 12028

Any instrument by which real property is acquired pursuant to 12029
this section shall identify the agency of the state that has the 12030
use and benefit of the real property as specified in section 12031
5301.012 of the Revised Code. 12032

Sec. 901.85. There is hereby created in the state treasury 12033
the farm service agency electronic filing fund, which shall 12034
consist of money reimbursed to the fund by the farm service agency 12035
in the United States department of agriculture together with any 12036
money appropriated to the fund by the general assembly. The 12037
director of agriculture shall use money credited to the fund to 12038
pay the secretary of state for fees that the secretary of state 12039
charges in advance for the electronic filing by the farm service 12040
agency of financing statements related to agricultural loans that 12041

the farm service agency disburses. 12042

Sec. 902.11. (A) Any real or personal property, or both, of 12043
an issuer ~~which~~ that is acquired, constructed, reconstructed, 12044
enlarged, improved, furnished, or equipped, or any combination 12045
thereof, and leased or subleased under authority of this chapter 12046
shall be subject to ad valorem, sales, use, and franchise taxes 12047
and to zoning, planning, and building regulations and fees, to the 12048
same extent and in the same manner as if the lessee-user or 12049
sublessee-user thereof, rather than the issuer, had acquired, 12050
constructed, reconstructed, enlarged, improved, furnished, or 12051
equipped, or any combination thereof, such real or personal 12052
property, and title thereto was in the name of such lessee-user or 12053
sublessee-user. 12054

The transfer of tangible personal property by lease or 12055
sublease under authority of this chapter is not a sale as used in 12056
Chapter 5739. of the Revised Code. The exemptions provided in 12057
divisions (B)(1) and ~~(14)~~(13) of section 5739.02 of the Revised 12058
Code shall not be applicable to purchases for a project under this 12059
chapter. 12060

An issuer shall be exempt from all taxes on its real or 12061
personal property, or both, which has been acquired, constructed, 12062
reconstructed, enlarged, improved, furnished, or equipped, or any 12063
combination thereof, under this chapter so long as such property 12064
is used by the issuer for purposes which would otherwise exempt 12065
such property; has ceased to be used by a former lessee-user or 12066
sublessee-user and is not occupied or used; or has been acquired 12067
by the issuer but development has not yet commenced. The exemption 12068
shall be effective as of the date the exempt use begins. All taxes 12069
on the exempt real or personal property for the year should be 12070
prorated and the taxes for the exempt portion of the year shall be 12071
remitted by the county auditor. 12072

(B) Bonds issued under this chapter, the transfer thereof, 12073
and the interest and other income from the bonds, including any 12074
profit made on the sale thereof, are free from taxation within the 12075
state. 12076

Sec. 921.151. The pesticide program fund is hereby created in 12077
the state treasury. ~~All~~ The portion of the money in the fund that 12078
is collected under this chapter shall be used to carry out the 12079
purposes of this chapter. The portion of the money in the fund 12080
that is collected under section 927.53 of the Revised Code shall 12081
be used to carry out the purposes specified in that section, the 12082
portion of the money in the fund that is collected under section 12083
927.69 of the Revised Code shall be used to carry out the purposes 12084
specified in that section, and the portion of the money in the 12085
fund that is collected under section 927.701 of the Revised Code 12086
shall be used to carry out the purposes of that section. The fund 12087
shall consist of fees collected under sections 921.01 to 921.15, 12088
division (F) of section 927.53, and section 927.69 of the Revised 12089
Code, money collected under section 927.701 of the Revised Code, 12090
and all fines, penalties, costs, and damages, except court costs, 12091
~~which~~ that are collected by either the director of agriculture or 12092
the attorney general in consequence of any violation of sections 12093
921.01 to 921.29 of the Revised Code. Not later than the thirtieth 12094
day of June of each year, the director of budget and management 12095
shall determine whether the amount credited to the pesticide 12096
program fund under this chapter is in excess of the amount 12097
necessary to meet the expenses of the director of agriculture in 12098
administering this chapter and shall transfer any such excess from 12099
the pesticide program fund to the general revenue fund. 12100

Sec. 927.53. (A) Each collector or dealer who sells, offers, 12101
or exposes for sale, or distributes nursery stock within this 12102
state, or ships nursery stock to other states, shall pay an annual 12103

license fee of fifty dollars to the director of agriculture for 12104
each place of business ~~he~~ the collector or dealer operates. 12105

(B)(1) Each dealer shall furnish the director, annually, an 12106
affidavit that ~~he~~ the dealer will buy and sell only nursery stock 12107
which has been inspected and certified by an official state or 12108
federal inspector. 12109

(2) Each dealer's license expires on the thirty-first day of 12110
December of each year. Each licensed dealer shall apply for 12111
renewal of ~~his~~ the dealer's license prior to the first day of 12112
January of each year and in accordance with the standard renewal 12113
procedure of sections 4745.01 to 4745.03 of the Revised Code. 12114

(C) Each licensed ~~nurseryman~~ nurseryperson shall post 12115
conspicuously in ~~his~~ the nurseryperson's principal place of 12116
business, the certificate which is issued to ~~him~~ the nurseryperson 12117
in accordance with section 927.61 of the Revised Code. 12118

(D) Each licensed ~~nurseryman~~ nurseryperson, or dealer, shall 12119
post conspicuously in each place of business, each certificate or 12120
license which is issued to ~~him~~ the nurseryperson or dealer in 12121
compliance with this section or section 927.61 of the Revised 12122
Code. 12123

(E)(1) Each ~~nurseryman~~ nurseryperson who produces, sells, 12124
offers for sale, or distributes woody nursery stock within the 12125
state, or ships woody nursery stock to other states, shall pay to 12126
the director an annual inspection fee of fifty dollars plus four 12127
dollars per acre, or fraction thereof, of growing nursery stock in 12128
intensive production areas and two dollars per acre, or fraction 12129
thereof, of growing nursery stock in nonintensive production 12130
areas, as applicable. 12131

(2) Each ~~nurseryman~~ nurseryperson who limits ~~his~~ production 12132
and sales of nursery stock to brambles, herbaceous, perennial, and 12133
other nonwoody plants, shall pay to the director an inspection fee 12134

of thirty dollars, plus four dollars per acre, or fraction 12135
thereof, of growing nursery stock in intensive and nonintensive 12136
production areas. 12137

(F) On and after the effective date of this amendment, the 12138
following additional fees shall be assessed: 12139

(1) Each collector or dealer who pays a fee under division 12140
(A) of this section shall pay an additional fee of twenty-five 12141
dollars. 12142

(2) Each nursery person who pays fees under division (E)(1) of 12143
this section shall pay additional fees as follows: 12144

(a) Fifteen dollars for the inspection fee; 12145

(b) Fifty cents per acre, or fraction thereof, of growing 12146
nursery stock in intensive production areas; 12147

(c) One dollar and fifty cents per acre, or fraction thereof, 12148
of growing nursery stock in nonintensive production areas. 12149

(3) Each nursery person who pays fees under division (E)(2) 12150
of this section shall pay additional fees as follows: 12151

(a) Thirty-five dollars for the inspection fee; 12152

(b) Fifty cents per acre, or fraction thereof, of growing 12153
stock in intensive and nonintensive production areas. 12154

The fees collected under division (F) of this section shall 12155
be deposited into the state treasury to the credit of the 12156
pesticide program fund created in Chapter 921. of the Revised 12157
Code. Moneys so credited to the fund shall be used to pay the 12158
costs incurred by the department of agriculture in administering 12159
this chapter, including employing a minimum of two additional 12160
inspectors. 12161

Sec. 927.69. To effect the purpose of sections 927.51 to 12162
927.74, ~~inclusive,~~ of the Revised Code, the director of 12163

agriculture, or ~~his~~ the director's authorized representative, may: 12164

(A) Make reasonable inspection of any premises in this state 12165
and any property therein or thereon; 12166

(B) Stop and inspect in a reasonable manner, any means of 12167
conveyance moving within this state upon probable cause to believe 12168
it contains or carries any pest, host, commodity, or other article 12169
~~which that~~ is subject to sections 927.51 to 927.72, ~~inclusive,~~ of 12170
the Revised Code; 12171

(C) Conduct inspections of agricultural products that are 12172
required by other states, the United States department of 12173
agriculture, other federal agencies, or foreign countries to 12174
determine whether the products are infested. If, upon making such 12175
an inspection, the director or the director's authorized 12176
representative determines that an agricultural product is not 12177
infested, the director or the director's authorized representative 12178
may issue a certificate, as required by other states, the United 12179
States department of agriculture, other federal agencies, or 12180
foreign countries, indicating that the product is not infested. 12181

If the director charges fees for any of the certificates, 12182
agreements, or inspections specified in this section, the fees 12183
shall be as follows: 12184

(1) Phyto sanitary certificates, twenty-five dollars; 12185

(2) Compliance agreements, twenty dollars; 12186

(3) Solid wood packing certificates, twenty dollars; 12187

(4) Agricultural products and their conveyances inspections, 12188
sixty-five dollars. 12189

The director may adopt rules under section 927.52 of the 12190
Revised Code that define the certificates, agreements, and 12191
inspections. 12192

The fees shall be deposited into the state treasury to the 12193

credit of the pesticide program fund created in Chapter 921. of 12194
the Revised Code. Money credited to the fund shall be used to pay 12195
the costs incurred by the department of agriculture in 12196
administering this chapter, including employing a minimum of two 12197
additional inspectors. 12198

Sec. 927.701. (A) As used in this section, "gypsy moth" means 12199
the live insect, Lymantria dispar, in any stage of development. 12200
12201

(B) The director of agriculture may establish a voluntary 12202
gypsy moth suppression program under which a landowner may request 12203
that the department of agriculture have the landowner's property 12204
aerially sprayed to suppress the presence of gypsy moths in 12205
exchange for payment from the landowner of a portion of the cost 12206
of the spraying. To determine the amount of payment that is due 12207
from a landowner, the department first shall determine the 12208
projected cost per acre to the department of gypsy moth 12209
suppression activities for the year in which the landowner's 12210
request is made. The cost shall be calculated by determining the 12211
total expense of aerial spraying for gypsy moths to be incurred by 12212
the department in that year divided by the total number of acres 12213
proposed to be sprayed in that year. With respect to a landowner, 12214
the department shall multiply the cost per acre by the number of 12215
acres that the landowner requests to be sprayed. The department 12216
shall add to that amount any administrative costs that it incurs 12217
in billing the landowner and collecting payment. The amount that 12218
the landowner shall pay to the department shall not exceed fifty 12219
per cent of the resulting amount. 12220

(C) The director shall adopt rules under Chapter 119. of the 12221
Revised Code to establish procedures under which a landowner may 12222
make a request under division (B) of this section and to establish 12223
provisions governing agreements between the department and 12224

landowners concerning gypsy moth suppression together with any 12225
other provisions that the director considers appropriate to 12226
administer this section. 12227

(D) The director shall deposit all money collected under this 12228
section into the state treasury to the credit of the pesticide 12229
program fund created in Chapter 921. of the Revised Code. Money 12230
credited to the fund under this section shall be used for the 12231
suppression of gypsy moths in accordance with this section. 12232

Sec. 929.01. As used in ~~Chapter 929. of the Revised Code~~ this 12233
chapter: 12234

(A) "Agricultural production" means commercial aquaculture, 12235
apiculture, animal husbandry, or poultry husbandry; the production 12236
for a commercial purpose of timber, field crops, tobacco, fruits, 12237
vegetables, nursery stock, ornamental shrubs, ornamental trees, 12238
flowers, or sod; the growth of timber for a noncommercial purpose, 12239
if the land on which the timber is grown is contiguous to or part 12240
of a parcel of land under common ownership that is otherwise 12241
devoted exclusively to agricultural use; or any combination of 12242
such husbandry, production, or growth; and includes the 12243
processing, drying, storage, and marketing of agricultural 12244
products when those activities are conducted in conjunction with 12245
such husbandry, production, or growth. 12246

"Agricultural production" includes conservation practices, 12247
provided that the tracts, lots, or parcels of land or portions 12248
thereof that are used for conservation practices comprise not more 12249
than twenty-five per cent of tracts, lots, or parcels of land that 12250
are otherwise devoted exclusively to agricultural use and for 12251
which an application is filed under section 929.02 of the Revised 12252
Code. 12253

(B) "Withdrawal from an agricultural district" includes the 12254
explicit removal of land from an agricultural district, conversion 12255

of land in an agricultural district to use for purposes other than 12256
agricultural production, and withdrawal of land from a land 12257
retirement or conservation program to use for ~~purposes~~ purposes 12258
other than agricultural production. Withdrawal from an 12259
agricultural district does not include land described in division 12260
(A)(4) of section 5713.30 of the Revised Code. 12261

(C) "Conservation practice" has the same meaning as in 12262
section 5713.30 of the Revised Code. 12263

Sec. 955.51. (A) Any owner of horses, sheep, cattle, swine, 12264
mules, goats, domestic rabbits, or domestic fowl or poultry that 12265
have an aggregate fair market value of ten dollars or more and 12266
that have been injured or killed by a coyote or a black vulture 12267
shall notify the dog warden within three days after the loss or 12268
injury has been discovered. The dog warden promptly shall 12269
investigate the loss or injury and shall determine whether or not 12270
the loss or injury was made by a coyote or a black vulture. If the 12271
dog warden finds that the loss or injury was not made by a coyote 12272
or a black vulture, the owner has no claim under sections 955.51 12273
to 955.53 of the Revised Code. If the dog warden finds that the 12274
loss or injury was made by a coyote or a black vulture, ~~he~~ the dog 12275
warden promptly shall notify the wildlife officer of that finding. 12276
The wildlife officer then shall confirm the finding, disaffirm it, 12277
or state that ~~he~~ the wildlife officer is uncertain about the 12278
finding. If the wildlife officer affirms the finding of the dog 12279
warden or states that ~~he~~ the wildlife officer is uncertain about 12280
that finding, the owner may proceed with ~~his~~ a claim under 12281
sections 955.51 to 955.53 of the Revised Code, and the dog warden 12282
shall provide the owner with duplicate copies of the claim form 12283
provided for in section 955.53 of the Revised Code and assist ~~him~~ 12284
the owner in filling it out. The owner shall set forth the kind, 12285
grade, quality, and what ~~he~~ the owner has determined is the fair 12286
market value of the animals, fowl, or poultry, the nature and 12287

amount of the loss or injury, the place where the loss or injury 12288
occurred, and all other pertinent facts in the possession of the 12289
claimant. If the animals, fowl, or poultry die as a result of 12290
their injuries, their fair market value is the market value of 12291
uninjured animals, fowl, or poultry on the date of the death of 12292
the injured animals, fowl, or poultry. If the animals, fowl, or 12293
poultry do not die as a result of their injuries, their fair 12294
market value is their market value on the date on which they 12295
received their injuries. 12296

(B) If the dog warden finds all the statements that the owner 12297
made on the form to be correct and agrees with the owner as to the 12298
fair market value of the animals, fowl, or poultry, ~~he~~ the dog 12299
warden promptly shall so certify and send both copies of the form, 12300
together with whatever other documents, testimony, or information 12301
~~he~~ the dog warden has received relating to the loss or injury, to 12302
the department of agriculture. 12303

(C) If the dog warden does not find all the statements to be 12304
correct or does not agree with the owner as to the fair market 12305
value, the owner may appeal to the department of agriculture for a 12306
determination of ~~his~~ the owner's claim. In that case the owner 12307
shall secure statements as to the nature and amount of the loss or 12308
injury from at least two witnesses who viewed the results of the 12309
killing or injury and who can testify about the results and shall 12310
submit both copies of the form to the department no later than 12311
twenty days after the loss or injury was discovered. The dog 12312
warden shall submit to the department whatever documents, 12313
testimony, and other information ~~he~~ the dog warden has received 12314
relating to the loss or injury. The department shall receive any 12315
other information or testimony that will enable it to determine 12316
the fair market value of the animals, fowl, or poultry injured or 12317
killed. 12318

(D) If the animals, fowl, or poultry described in division 12319

(A) of this section are registered in any accepted association or 12320
registry, the owner or ~~his~~ the owner's employee or tenant shall 12321
submit with the claim form the registration papers showing the 12322
lines of breeding, age, and other relevant matters. If the animals 12323
are the offspring of registered stock and eligible for 12324
registration, the registration papers showing the breeding of the 12325
offspring shall be submitted. 12326

Sec. 1309.109. (A) Except as otherwise provided in divisions 12327
(C) and (D) of this section, this chapter applies to the 12328
following: 12329

(1) A transaction, regardless of its form, that creates a 12330
security interest in personal property or fixtures by contract; 12331

(2) An agricultural lien; 12332

(3) A sale of accounts, chattel paper, payment intangibles, 12333
or promissory notes; 12334

(4) A consignment; 12335

(5) A security interest arising under section 1302.42 or 12336
1302.49, division (C) of section 1302.85, or division (E) of 12337
section 1310.54 of the Revised Code, as provided in section 12338
1309.110 of the Revised Code; and 12339

(6) A security interest arising under section 1304.20 or 12340
1305.18 of the Revised Code. 12341

(B) The application of this chapter to a security interest in 12342
a secured obligation is not affected by the fact that the 12343
obligation is itself secured by a transaction or interest to which 12344
this chapter does not apply. 12345

(C) This chapter does not apply to the extent that: 12346

(1) A statute, regulation, or treaty of the United States 12347
preempts this chapter; or 12348

(2) The rights of a transferee beneficiary or nominated person under a letter of credit are independent and superior under section 1305.13 of the Revised Code.	12349 12350 12351
(D) This chapter does not apply to <u>the following</u> :	12352
(1) A landlord's lien, other than an agricultural lien;	12353
(2)(a) A lien, not enumerated in division (D)(2) of this section and other than an agricultural lien, given by statute or other rule of law for services or materials, including any lien created under any provision of Chapter 926., sections 1311.55 to 1311.57, sections 1311.71 to 1311.80, section 1701.66, or Chapter 4585. of the Revised Code;	12354 12355 12356 12357 12358 12359
(b) Notwithstanding division (D)(2)(a) of this section, section 1309.333 of the Revised Code applies with respect to priority of the lien.	12360 12361 12362
(3) An assignment of a claim for wages, salary, or other compensation of an employee;	12363 12364
(4) A sale of accounts, chattel paper, payment intangibles, or promissory notes as part of a sale of the business out of which they arose;	12365 12366 12367
(5) An assignment of accounts, chattel paper, payment intangibles, or promissory notes that is for the purpose of collection only;	12368 12369 12370
(6) An assignment of a right to payment under a contract to an assignee that is also obligated to perform under the contract;	12371 12372
(7) An assignment of a single account, payment intangible, or promissory note to an assignee in full or partial satisfaction of a preexisting indebtedness;	12373 12374 12375
(8) A transfer of an interest in or an assignment of a claim under a policy of insurance, other than an assignment by or to a health-care provider of a health-care-insurance receivable and any	12376 12377 12378

subsequent assignment of the right to payment, but sections	12379
1309.315 and 1309.322 of the Revised Code apply with respect to	12380
proceeds and priorities in proceeds;	12381
(9) An assignment of a right represented by a judgment, other	12382
than a judgment taken on a right to payment that was collateral;	12383
(10) A right of recoupment or set-off, but:	12384
(a) Section 1309.340 of the Revised Code applies with respect	12385
to the effectiveness of rights of recoupment or set-off against	12386
deposit accounts; and	12387
(b) Section 1309.404 of the Revised Code applies with respect	12388
to defenses or claims of an account debtor.	12389
(11) The creation or transfer of an interest in or lien on	12390
real property, including a lease or rents under a lease, except to	12391
the extent that provision is made for:	12392
(a) Liens on real property in sections 1309.203 and 1309.308	12393
of the Revised Code;	12394
(b) Fixtures in section 1309.334 of the Revised Code;	12395
(c) Fixture filings in sections 1309.501, 1309.502, 1309.512,	12396
1309.516, and 1309.519 of the Revised Code; and	12397
(d) Security agreements covering personal and real property	12398
in section 1309.604 of the Revised Code.	12399
(12) An assignment of a claim arising in tort, other than a	12400
commercial tort claim, but sections 1309.315 and 1309.322 of the	12401
Revised Code apply with respect to proceeds and priorities in	12402
proceeds;	12403
(13) An assignment of a deposit account in a consumer	12404
transaction, but sections 1309.315 and 1309.322 of the Revised	12405
Code apply with respect to proceeds and priorities in proceeds; or	12406
(14) A transfer by a government, state, or governmental unit.	12407

(E) The granting of a security interest in all or any part of a lottery prize award for consideration is subject to the prohibition of division ~~(A)(3)(C)~~ of section 3770.07 of the Revised Code. The sale, assignment, or other redirection of a lottery prize award for consideration is subject to the provisions of division ~~(A)(4)(D)~~ of section 3770.07 and sections 3770.10 to 3770.14 of the Revised Code.

Sec. 1317.07. No retail installment contract authorized by section 1317.03 of the Revised Code that is executed in connection with any retail installment sale shall evidence any indebtedness in excess of the time balance fixed in the written instrument in compliance with section 1317.04 of the Revised Code, but it may evidence in addition any agreements of the parties for the payment of delinquent charges, as provided for in section 1317.06 of the Revised Code, taxes, and any lawful fee actually paid out, or to be paid out, by the retail seller to any public officer for filing, recording, or releasing any instrument securing the payment of the obligation owed on any retail installment contract. No retail seller, directly or indirectly, shall charge, contract for, or receive from any retail buyer, any further or other amount for examination, service, brokerage, commission, expense, fee, or other thing of value. A documentary service charge customarily and presently being paid on May 9, 1949, in a particular business and area may be charged if the charge does not exceed ~~fifty one~~ hundred dollars per sale.

No retail seller shall use multiple agreements with respect to a single item or related items purchased at the same time, with intent to obtain a higher charge than would otherwise be permitted by Chapter 1317. of the Revised Code or to avoid disclosure of an annual percentage rate, nor by use of such agreements make any charge greater than that which would be permitted by Chapter 1317.

of the Revised Code had a single agreement been used. 12439

Sec. 1321.21. All fees, charges, penalties, and forfeitures 12440
collected under Chapters 1321., 1322., 4712., 4727., and 4728., 12441
sections 1315.21 to 1315.30, ~~and~~ sections 1315.35 to 1315.44, and 12442
sections 1349.25 to 1349.37 of the Revised Code shall be paid to 12443
the superintendent of financial institutions and shall be 12444
deposited by the superintendent into the state treasury to the 12445
credit of the consumer finance fund, which is hereby created. The 12446
fund may be expended or obligated by the superintendent for the 12447
defrayment of the costs of administration of Chapters 1321., 12448
1322., 4712., 4727., and 4728., sections 1315.21 to 1315.30, ~~and~~ 12449
sections 1315.35 to 1315.44, and sections 1349.25 to 1349.37 of 12450
the Revised Code by the division of financial institutions. All 12451
actual and necessary expenses incurred by the superintendent, 12452
including any services rendered by the department of commerce for 12453
the division's administration of Chapters 1321., 1322., 4712., 12454
4727., and 4728., sections 1315.21 to 1315.30, ~~and~~ sections 12455
1315.35 to 1315.44, and sections 1349.25 to 1349.37 of the Revised 12456
Code, shall be paid from the fund. The fund shall be assessed a 12457
proportionate share of the administrative costs of the department 12458
and the division. The proportionate share of the administrative 12459
costs of the division of financial institutions shall be 12460
determined in accordance with procedures prescribed by the 12461
superintendent and approved by the director of budget and 12462
management. Such assessment shall be paid from the consumer 12463
finance fund to the division of administration fund or the 12464
financial institutions fund. 12465

Sec. 1333.99. (A) Whoever violates sections 1333.01 to 12466
1333.04 of the Revised Code is guilty of a minor misdemeanor. 12467

(B) Whoever violates section 1333.12 of the Revised Code is 12468
guilty of a misdemeanor of the fourth degree. 12469

(C) Whoever violates section 1333.36 of the Revised Code is 12470
guilty of a misdemeanor of the third degree. 12471

(D) A prosecuting attorney may file an action to restrain any 12472
person found in violation of section 1333.36 of the Revised Code. 12473
Upon the filing of such an action, the common pleas court may 12474
receive evidence of such violation and forthwith grant a temporary 12475
restraining order as may be prayed for, pending a hearing on the 12476
merits of said cause. 12477

(E) Whoever violates division (A)(1) of section 1333.52 or 12478
section 1333.81 of the Revised Code is guilty of a misdemeanor of 12479
the first degree. 12480

(F) Whoever violates division (A)(2) or (B) of section 12481
1333.52 ~~or division (F) or (H) of section 1333.96~~ of the Revised 12482
Code is guilty of a misdemeanor of the second degree. 12483

(G) Except as otherwise provided in this division, whoever 12484
violates section 1333.92 of the Revised Code is guilty of a 12485
misdemeanor of the first degree. If the value of the compensation 12486
is five hundred dollars or more and less than five thousand 12487
dollars, whoever violates section 1333.92 of the Revised Code is 12488
guilty of a felony of the fifth degree. If the value of the 12489
compensation is five thousand dollars or more and less than one 12490
hundred thousand dollars, whoever violates section 1333.92 of the 12491
Revised Code is guilty of a felony of the fourth degree. If the 12492
value of the compensation is one hundred thousand dollars or more, 12493
whoever violates section 1333.92 of the Revised Code is guilty of 12494
a felony of the third degree. 12495

~~(H) Whoever violates division (B), (C), or (I) of section 12496
1333.96 of the Revised Code is guilty of a misdemeanor of the 12497
third degree. 12498~~

~~(I) Any person not registered as a travel agency or tour 12499
promoter as provided in divisions (B) and (C) of section 1333.96 12500~~

~~of the Revised Code who states that the person is so registered is~~ 12501
~~guilty of a misdemeanor of the first degree.~~ 12502

Sec. 1337.11. As used in sections 1337.11 to 1337.17 of the 12503
Revised Code: 12504

(A) "Adult" means a person who is eighteen years of age or 12505
older. 12506

(B) "Attending physician" means the physician to whom a 12507
principal or the family of a principal has assigned primary 12508
responsibility for the treatment or care of the principal or, if 12509
the responsibility has not been assigned, the physician who has 12510
accepted that responsibility. 12511

(C) "Comfort care" means any of the following: 12512

(1) Nutrition when administered to diminish the pain or 12513
discomfort of a principal, but not to postpone death; 12514

(2) Hydration when administered to diminish the pain or 12515
discomfort of a principal, but not to postpone death; 12516

(3) Any other medical or nursing procedure, treatment, 12517
intervention, or other measure that is taken to diminish the pain 12518
or discomfort of a principal, but not to postpone death. 12519

(D) "Consulting physician" means a physician who, in 12520
conjunction with the attending physician of a principal, makes one 12521
or more determinations that are required to be made by the 12522
attending physician, or to be made by the attending physician and 12523
one other physician, by an applicable provision of sections 12524
1337.11 to 1337.17 of the Revised Code, to a reasonable degree of 12525
medical certainty and in accordance with reasonable medical 12526
standards. 12527

(E) "Guardian" means a person appointed by a probate court 12528
pursuant to Chapter 2111. of the Revised Code to have the care and 12529
management of the person of an incompetent. 12530

(F) "Health care" means any care, treatment, service, or procedure to maintain, diagnose, or treat an individual's physical or mental condition.	12531 12532 12533
(G) "Health care decision" means informed consent, refusal to give informed consent, or withdrawal of informed consent to health care.	12534 12535 12536
(H) "Health care facility" means any of the following:	12537
(1) A hospital;	12538
(2) A hospice care program or other institution that specializes in comfort care of patients in a terminal condition or in a permanently unconscious state;	12539 12540 12541
(3) A nursing home;	12542
(4) A home health agency;	12543
(5) An intermediate care facility for the mentally retarded.	12544
(I) "Health care personnel" means physicians, nurses, physician assistants, emergency medical technicians-basic, emergency medical technicians-intermediate, emergency medical technicians-paramedic, medical technicians, dietitians, other authorized persons acting under the direction of an attending physician, and administrators of health care facilities.	12545 12546 12547 12548 12549 12550
(J) "Home health agency" has the same meaning as in section 3701.88 <u>3701.881</u> of the Revised Code.	12551 12552
(K) "Hospice care program" has the same meaning as in section 3712.01 of the Revised Code.	12553 12554
(L) "Hospital" has the same meanings as in sections 2108.01, 3701.01, and 5122.01 of the Revised Code.	12555 12556
(M) "Hydration" means fluids that are artificially or technologically administered.	12557 12558
(N) "Incompetent" has the same meaning as in section 2111.01	12559

of the Revised Code.	12560
(O) "Intermediate care facility for the mentally retarded"	12561
has the same meaning as in section 5111.20 of the Revised Code.	12562
(P) "Life-sustaining treatment" means any medical procedure,	12563
treatment, intervention, or other measure that, when administered	12564
to a principal, will serve principally to prolong the process of	12565
dying.	12566
(Q) "Medical claim" has the same meaning as in section	12567
2305.11 of the Revised Code.	12568
(R) "Nursing home" has the same meaning as in section 3721.01	12569
of the Revised Code.	12570
(S) "Nutrition" means sustenance that is artificially or	12571
technologically administered.	12572
(T) "Permanently unconscious state" means a state of	12573
permanent unconsciousness in a principal that, to a reasonable	12574
degree of medical certainty as determined in accordance with	12575
reasonable medical standards by the principal's attending	12576
physician and one other physician who has examined the principal,	12577
is characterized by both of the following:	12578
(1) Irreversible unawareness of one's being and environment.	12579
(2) Total loss of cerebral cortical functioning, resulting in	12580
the principal having no capacity to experience pain or suffering.	12581
(U) "Person" has the same meaning as in section 1.59 of the	12582
Revised Code and additionally includes political subdivisions and	12583
governmental agencies, boards, commissions, departments,	12584
institutions, offices, and other instrumentalities.	12585
(V) "Physician" means a person who is authorized under	12586
Chapter 4731. of the Revised Code to practice medicine and surgery	12587
or osteopathic medicine and surgery.	12588
(W) "Political subdivision" and "state" have the same	12589

meanings as in section 2744.01 of the Revised Code. 12590

(X) "Professional disciplinary action" means action taken by 12591
the board or other entity that regulates the professional conduct 12592
of health care personnel, including the state medical board and 12593
the board of nursing. 12594

(Y) "Terminal condition" means an irreversible, incurable, 12595
and untreatable condition caused by disease, illness, or injury 12596
from which, to a reasonable degree of medical certainty as 12597
determined in accordance with reasonable medical standards by a 12598
principal's attending physician and one other physician who has 12599
examined the principal, both of the following apply: 12600

(1) There can be no recovery. 12601

(2) Death is likely to occur within a relatively short time 12602
if life-sustaining treatment is not administered. 12603

(Z) "Tort action" means a civil action for damages for 12604
injury, death, or loss to person or property, other than a civil 12605
action for damages for a breach of contract or another agreement 12606
between persons. 12607

Sec. 1346.02. Any tobacco product manufacturer selling 12608
cigarettes to consumers within the state (whether directly or 12609
through a distributor, retailer or similar intermediary or 12610
intermediaries) after ~~the effective date of this section~~ June 30, 12611
1999 shall do one of the following: 12612

(A) Become a participating manufacturer (as that term is 12613
defined in section II(jj) of the Master Settlement Agreement) and 12614
generally perform its financial obligations under the Master 12615
Settlement Agreement; or 12616

(B)(1) Place into a qualified escrow fund by April 15 of the 12617
year following the year in question the following amounts (as such 12618
amounts are adjusted for inflation): 12619

1999: \$.0094241 per unit sold after ~~the effective date of~~ 12620
~~this section June 30, 1999;~~ 12621

2000: \$.0104712 per unit sold; 12622

For each of 2001 and 2002: \$.0136125 per unit sold; 12623

For each of 2003 through 2006: \$.0167539 per unit sold; 12624

For each of 2007 and each year thereafter: \$.0188482 per unit 12625
sold. 12626

(2) A tobacco product manufacturer that places funds into 12627
escrow pursuant to division (B)(1) of this section shall receive 12628
the interest or other appreciation on such funds as earned. Such 12629
funds themselves shall be released from escrow only under the 12630
following circumstances: 12631

(a) To pay a judgment or settlement on any released claim 12632
brought against such tobacco product manufacturer by the state or 12633
any releasing party located or residing in the state. Funds shall 12634
be released from escrow under division (B)(2)(a) of this section: 12635

(i) In the order in which they were placed into escrow; and 12636

(ii) Only to the extent and at the time necessary to make 12637
payments required under such judgment or settlement. 12638

(b) To the extent that a tobacco product manufacturer 12639
establishes that the amount it was required to place into escrow 12640
on account of units sold in the state in a particular year was 12641
greater than the ~~state's allocable share of the total payments~~ 12642
~~that such manufacturer would have been required to make in that~~ 12643
~~year under the Master Settlement Agreement (~~ payments, as 12644
determined pursuant to section ~~IX(i)(2)~~ IX(i) of ~~the Master~~ 12645
~~Settlement that~~ Agreement, ~~and before any of the adjustments or~~ 12646
~~offsets described in section IX(i)(3) of that Agreement other the~~ 12647
~~the inflation adjustment)~~ including after final determination of 12648
all adjustments, that such manufacturer would have been required 12649

to make on account of such units sold had it been a participating 12650
manufacturer, the excess shall be released from escrow and revert 12651
back to such tobacco product manufacturer; or 12652

(c) To the extent not released from escrow under division 12653
(B)(2)(a) or (b) of this section, funds shall be released from 12654
escrow and revert back to such tobacco product manufacturer 12655
twenty-five years after the date on which they were placed into 12656
escrow. 12657

(3) Each tobacco product manufacturer that elects to place 12658
funds into escrow pursuant to division (B) of this section shall 12659
annually certify to the attorney general that it is in compliance 12660
with division (B) of this section. The attorney general may bring 12661
a civil action on behalf of the state against any tobacco product 12662
manufacturer that fails to place into escrow the funds required 12663
under this section. Any tobacco product manufacturer that fails in 12664
any year to place into escrow the funds required under this 12665
section shall: 12666

(a) Be required within fifteen days to place such funds into 12667
escrow as shall bring it into compliance with this section. The 12668
court, upon a finding of a violation of division (B) of this 12669
section, may impose a civil penalty to be paid to the general 12670
revenue fund of the state in an amount not to exceed five per cent 12671
of the amount improperly withheld from escrow per day of the 12672
violation and in a total amount not to exceed one hundred per cent 12673
of the original amount improperly withheld from escrow; 12674

(b) In the case of a knowing violation, be required within 12675
fifteen days to place such funds into escrow as shall bring it 12676
into compliance with this section. The court, upon a finding of a 12677
knowing violation of division (B) of this section, may impose a 12678
civil penalty to be paid to the general revenue fund of the state 12679
in an amount not to exceed fifteen per cent of the amount 12680
improperly withheld from escrow per day of the violation and in a 12681

total amount not to exceed three hundred per cent of the original 12682
amount improperly withheld from escrow; and 12683

(c) In the case of a second knowing violation, be prohibited 12684
from selling cigarettes to consumers within the state (whether 12685
directly or through a distributor, retailer or similar 12686
intermediary) for a period not to exceed two years. 12687

Each failure to make an annual deposit required under this 12688
section shall constitute a separate violation. 12689

Sec. 1346.04. As used in this section and sections 1346.05 to 12690
1346.10 of the Revised Code: 12691

(A) "Brand family" means all styles of cigarettes sold under 12692
the same trademark and differentiated from one another by means of 12693
additional modifiers or descriptors, including, but not limited 12694
to, "menthol," "lights," "kings," and "100s." "Brand family" 12695
includes cigarettes sold under any brand name (whether that name 12696
is used alone or in conjunction with any other word), trademark, 12697
logo, symbol, motto, selling message, recognizable pattern of 12698
colors, or other indicia of product identification identical or 12699
similar to, or identifiable with, a previous brand of cigarettes. 12700

(B) "Cigarette," "Master Settlement Agreement," "qualified 12701
escrow fund," "tobacco product manufacturer," and "units sold" 12702
have the same meanings as in section 1346.01 of the Revised Code. 12703

(C) "Nonparticipating manufacturer" means any tobacco product 12704
manufacturer that is not a participating manufacturer. 12705

(D) "Participating manufacturer" means a participating 12706
manufacturer as that term is defined in section II(jj) of the 12707
Master Settlement Agreement and all amendments to that agreement. 12708

(E) "Stamping agent" means a person who is authorized to 12709
affix tax stamps to packages or other containers of cigarettes 12710
under section 5743.03 of the Revised Code or a person who is 12711

required to pay the excise tax imposed on cigarettes and other 12712
tobacco products under sections 5743.03 and 5743.51 of the Revised 12713
Code. 12714

Sec. 1346.05. (A)(1) Every tobacco product manufacturer whose 12715
cigarettes are sold in this state either directly or through a 12716
distributor, retailer, or other intermediary shall execute and 12717
deliver to the attorney general an annual certification, made 12718
under penalty of falsification, stating that, as of the date of 12719
the certification, the tobacco manufacturer is either a 12720
participating manufacturer or a nonparticipating manufacturer in 12721
full compliance with section 1346.02 of the Revised Code, 12722
including full compliance with all quarterly installment payment 12723
requirements, if required to make such payments by an 12724
administrative rule adopted by the attorney general. The 12725
certification shall be on a form prescribed by the attorney 12726
general and shall be filed not later than the thirtieth day of 12727
April in each year. 12728

(2) Each participating manufacturer shall include in its 12729
certification a list of its brand families. Thirty days before 12730
making any additions to or modifications of its brand families, a 12731
participating manufacturer shall update its brand family list by 12732
executing and delivering a supplemental certification to the 12733
attorney general. 12734

(3) Each nonparticipating manufacturer shall include all of 12735
the following in its certification: 12736

(a) A list of all of its brand families and the number of 12737
units sold during the preceding calendar year for each brand 12738
family, and a list of all of its brand families that have been 12739
sold in the state at any time during the current calendar year. 12740
The list shall indicate, by an asterisk, any brand family that was 12741
sold in the state during the preceding calendar year and that is 12742

no longer being sold in the state as of the date of the 12743
certification. The list shall identify by name and address any 12744
other manufacturer in the preceding or current year of the brand 12745
families included on the list. Thirty days before making any 12746
additions to or modifications of its brand families, a 12747
nonparticipating manufacturer shall update its brand family list 12748
by executing and delivering a supplemental certification to the 12749
attorney general. 12750

(b) A statement that the nonparticipating manufacturer is 12751
registered to do business in this state, or has appointed an agent 12752
for service of process in this state and provided notice of that 12753
appointment as required by section 1346.06 of the Revised Code; 12754

(c) A certification that the nonparticipating manufacturer 12755
has established and continues to maintain a qualified escrow fund 12756
under section 1346.02 of the Revised Code and that the qualified 12757
escrow fund is governed by a qualified escrow agreement executed 12758
by the nonparticipating manufacturer and reviewed and approved by 12759
the attorney general; 12760

(d) All of the following information regarding the qualified 12761
escrow fund the nonparticipating manufacturer is required to 12762
establish and maintain under section 1346.02 of the Revised Code 12763
and the rules adopted under that section: 12764

(i) The name, address, and telephone number of the financial 12765
institution at which the nonparticipating manufacturer has 12766
established its qualified escrow fund; 12767

(ii) The account number of the qualified escrow fund and any 12768
subaccount number for the state; 12769

(iii) The amount that the nonparticipating manufacturer 12770
deposited in the qualified escrow fund for cigarettes sold in the 12771
state during the preceding calendar year, the date and amount of 12772
each deposit, and any evidence or verification the attorney 12773

general deems necessary to confirm those deposits; 12774

(iv) The amount and date of any withdrawal or transfer of funds the nonparticipating manufacturer made at any time from any qualified escrow fund into which it ever made payments under section 1346.02 of the Revised Code and the rules adopted under that section. 12775
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(e) A statement that the nonparticipating manufacturer is in full compliance with this section and sections 1346.02, 1346.06, and 1346.07 of the Revised Code and any rules adopted under those sections. 12780
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(4)(a) No tobacco product manufacturer shall include a brand family in its certification unless either of the following applies: 12784
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(i) In the case of a participating manufacturer, the participating manufacturer affirms that the cigarettes in the brand family shall be deemed to be its cigarettes for the purpose of calculating its payments under the Master Settlement Agreement for the relevant year in the volume and shares determined pursuant to that agreement. 12787
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(ii) In the case of a nonparticipating manufacturer, the nonparticipating manufacturer affirms that the cigarettes in the brand family shall be deemed to be its cigarettes for the purpose of section 1346.02 of the Revised Code. 12793
12794
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(b) Nothing in this section limits or shall be construed to limit the state's authority to determine that the cigarettes in a brand family constitute the cigarettes of another tobacco product manufacturer for the purpose of calculating payments under the Master Settlement Agreement or for the purpose of section 1346.02 of the Revised Code. 12797
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(5) Each tobacco product manufacturer shall maintain all invoices and documentations of sales and other information relied 12803
12804

upon for its certification for a period of at least five years. 12805

(B)(1) Except as otherwise provided in division (B)(3) of 12806
this section, the attorney general shall develop and publish on 12807
its web site a directory listing all tobacco product manufacturers 12808
that have provided current and accurate certifications under 12809
division (A) of this section and all brand families listed in 12810
those certifications. 12811

(2)(a) The attorney general shall update the directory as 12812
necessary to correct mistakes or to add or remove a tobacco 12813
product manufacturer or brand family to keep the directory in 12814
conformity with the requirements of this section. At least ten 12815
days before any tobacco product manufacturer or brand family is 12816
added to or removed from the directory, the attorney general shall 12817
publish notice of the pending addition or removal online in the 12818
directory and shall notify the tax commissioner of those pending 12819
changes. At least ten days before such addition or removal, the 12820
tax commissioner shall transmit by electronic mail or other 12821
practicable means to each stamping agent notice of the pending 12822
addition or removal. 12823

(b) Unless an agreement between a stamping agent and a 12824
tobacco product manufacturer provides otherwise, a tobacco product 12825
manufacturer that is removed from the directory or whose brand 12826
family is removed from the directory shall refund to the stamping 12827
agent any money paid by the stamping agent to the tobacco product 12828
manufacturer for cigarettes of that tobacco product manufacturer 12829
that are in the possession of the stamping agent at the time the 12830
stamping agent receives notice of the pending removal of the 12831
tobacco product manufacturer or a brand family of that tobacco 12832
product manufacturer from the directory under division (B)(2)(a) 12833
of this section. 12834

(c) The tax commissioner shall notify the attorney general of 12835
any tobacco product manufacturer that fails to refund money to a 12836

stamping agent under division (B)(2)(b) of this section. The 12837
attorney general shall not restore to the directory any tobacco 12838
product manufacturer or brand family of a tobacco product 12839
manufacturer until the tobacco product manufacturer has paid the 12840
stamping agent any required refund. Once a required refund has 12841
been so paid, the tax commissioner shall notify the attorney 12842
general of that payment. 12843

(3) The attorney general shall not include or retain in the 12844
directory a nonparticipating manufacturer or a brand family of a 12845
nonparticipating manufacturer if any of the following applies: 12846

(a) The nonparticipating manufacturer fails to provide the 12847
required certification under this section, or the attorney general 12848
determines that the certification is not in compliance with the 12849
requirements of this section, unless the attorney general 12850
determines that the violation has been cured to the attorney 12851
general's satisfaction. 12852

(b) The attorney general determines that any escrow payment 12853
required under section 1346.02 of the Revised Code for any period 12854
for any brand family of the nonparticipating manufacturer, 12855
regardless of whether the brand family is listed by the 12856
nonparticipating manufacturer in its certification under this 12857
section, has not been fully paid into a qualified escrow fund 12858
governed by a qualified escrow agreement that has been approved by 12859
the attorney general. 12860

(c) The attorney general determines that the nonparticipating 12861
manufacturer has not fully satisfied any outstanding final 12862
judgment, including interest, for a violation of section 1346.02 12863
of the Revised Code. 12864

(4) Each stamping agent shall provide an electronic mail 12865
address to the tax commissioner for the purpose of receiving 12866
notifications under division (B)(2) of this section. As necessary, 12867

<u>each stamping agent shall update the agent's electronic mail</u>	12868
<u>address with the tax commissioner.</u>	12869
<u>(C)(1) No person shall do any of the following:</u>	12870
<u>(a) Affix a tax stamp to a package or other container of</u>	12871
<u>cigarettes of a tobacco product manufacturer or a brand family</u>	12872
<u>that is not included in the directory;</u>	12873
<u>(b) Sell, offer for sale, or possess for sale in this state</u>	12874
<u>cigarettes of a tobacco product manufacturer or a brand family</u>	12875
<u>that is not included in the directory;</u>	12876
<u>(c) Sell or distribute cigarettes that have had a tax stamp</u>	12877
<u>affixed while the tobacco product manufacturer or brand family of</u>	12878
<u>those cigarettes was not included in the directory;</u>	12879
<u>(d) Acquire, hold, own, possess, transport, import, or cause</u>	12880
<u>to be imported cigarettes that the person knows or should know are</u>	12881
<u>intended for distribution or sale in this state and that have had</u>	12882
<u>a tax stamp affixed while the tobacco product manufacturer or</u>	12883
<u>brand family of those cigarettes was not included in the</u>	12884
<u>directory;</u>	12885
<u>(e) Acquire, hold, own, possess, transport, import, or cause</u>	12886
<u>to be imported cigarettes that the person knows or should know are</u>	12887
<u>intended for distribution or sale in this state and that are the</u>	12888
<u>cigarettes of a tobacco product manufacturer or a brand family</u>	12889
<u>that is not included in the directory.</u>	12890
<u>(2) Except as otherwise provided in this division, a</u>	12891
<u>violation of division (C)(1) of this section is a misdemeanor of</u>	12892
<u>the first degree. If the offender has a previous conviction for a</u>	12893
<u>violation of that division, a violation of division (C)(1) of this</u>	12894
<u>section is a felony of the fourth degree.</u>	12895
<u>(3) Any cigarettes sold, offered for sale, or possessed for</u>	12896
<u>sale in violation of division (C)(1) of this section shall be</u>	12897

considered contraband under section 5743.21 of the Revised Code, 12898
and those cigarettes shall be subject to seizure and forfeiture 12899
under that section. Cigarettes so seized and forfeited shall not 12900
be resold and shall be destroyed. 12901

Sec. 1346.06. (A)(1) Any nonresident or foreign 12902
nonparticipating manufacturer that has not registered to do 12903
business in the state as a foreign corporation or business entity, 12904
as a condition precedent to having its brand families included or 12905
retained in the directory developed and published by the attorney 12906
general under section 1346.05 of the Revised Code, shall appoint, 12907
and continually engage without interruption the services of, an 12908
agent in the state to act as agent for the service, in any manner 12909
authorized by law, of all process pertaining to any action or 12910
proceeding in the courts of this state against the manufacturer 12911
concerning or arising out of the enforcement of this chapter. 12912

(2) Service on a nonparticipating manufacturer's agent shall 12913
constitute legal and valid service of process on the manufacturer. 12914

(3) A nonparticipating manufacturer shall provide the 12915
attorney general, to the satisfaction of the attorney general, 12916
with proof of the appointment of, and notice of the name, address, 12917
telephone number, and availability of, the manufacturer's agent. 12918

(B)(1) If a nonparticipating manufacturer decides to 12919
terminate its agent's appointment, the manufacturer shall provide 12920
notice of the termination to the attorney general thirty calendar 12921
days prior to the termination and shall provide proof, to the 12922
satisfaction of the attorney general, of the appointment of a new 12923
agent not less than five calendar days prior to the termination. 12924

(2) If a nonparticipating manufacturer's agent terminates the 12925
agent's appointment, the manufacturer shall provide notice of the 12926
termination to the attorney general and include proof, to the 12927
satisfaction of the attorney general, of the appointment of a new 12928

agent within five calendar days of the termination. 12929

(C)(1) Any nonparticipating manufacturer whose cigarettes are 12930
sold in the state and who has not appointed and continually 12931
engaged an agent in accordance with divisions (A) and (B) of this 12932
section shall be deemed to have appointed the secretary of state 12933
as the manufacturer's agent and may be proceeded against in any 12934
action or proceeding in the courts of the state described in 12935
division (A) of this section by service of process on the 12936
secretary of state. 12937

(2) The deemed appointment of the secretary of state as a 12938
nonparticipating manufacturer's agent does not satisfy the 12939
requirements of divisions (A)(3)(b) and (B)(1) of section 1346.05 12940
of the Revised Code that a nonparticipating manufacturer that has 12941
not registered to do business in the state shall appoint an agent 12942
for service of process as a condition precedent to the existence 12943
of an accurate certification permitting the manufacturer's brand 12944
families to be included or retained in the directory. 12945

Sec. 1346.07. (A) Not later than the last day of each month 12946
or less frequently if so directed by the tax commissioner, each 12947
stamping agent shall submit information for the previous month or 12948
for the relevant time period, if directed by the tax commissioner 12949
to make the submission less frequently, which the tax commissioner 12950
requires to facilitate compliance with sections 1346.05 to 1346.10 12951
of the Revised Code. The information shall include, but is not 12952
limited to, a list by brand family of the total number of 12953
cigarettes, or, in the case of roll-your-own, the equivalent stick 12954
count, for which the stamping agent during the period covered by 12955
the report affixed stamps or otherwise paid the tax due. 12956

The stamping agent shall maintain and make available to the 12957
tax commissioner all invoices and documentations of sales of all 12958
nonparticipating manufacturer cigarettes and any other information 12959

the agent relies upon in submitting information under this 12960
division to the tax commissioner. This duty shall be for a period 12961
of five years from the date of each submission of information 12962
under this division. 12963

(B) The attorney general at any time may require a 12964
nonparticipating manufacturer to provide proof, from the financial 12965
institution in which the manufacturer has established a qualified 12966
escrow fund under section 1346.02 of the Revised Code, of the 12967
amount of money in the fund, exclusive of interest, the amount and 12968
date of each deposit in the fund, and the amount and date of each 12969
withdrawal from the fund. 12970

(C) In addition to the information required to be submitted 12971
or provided to the tax commissioner and the attorney general under 12972
divisions (A) and (B) of this section, the attorney general may 12973
require a stamping agent or tobacco product manufacturer to submit 12974
any additional information necessary to enable the attorney 12975
general to determine whether a manufacturer is in compliance with 12976
sections 1346.05 to 1346.10 of the Revised Code. The information 12977
shall include, but is not limited to, samples of the packaging or 12978
labeling of each brand family. 12979

(D) The tax commissioner and the attorney general shall share 12980
information received under sections 1346.05 to 1346.10 of the 12981
Revised Code for purposes of determining compliance with and 12982
enforcement of those sections. The tax commissioner and the 12983
attorney general also may share information received under these 12984
sections with federal, state, or local agencies for purposes of 12985
the enforcement of this chapter or corresponding laws of other 12986
states. 12987

Sec. 1346.08. (A) The tax commissioner and the attorney 12988
general may adopt administrative rules necessary to implement 12989
sections 1346.05 to 1346.10 of the Revised Code. 12990

(B) Subject to the requirements of section 1346.05 of the Revised Code, the attorney general may adopt an administrative rule requiring a tobacco product manufacturer to make required escrow deposits in quarterly installments during the year in which the sales covered by the deposits are made. If the attorney general adopts such a rule, the tax commissioner may require a tobacco product manufacturer or a stamping agent to produce information sufficient to enable the tax commissioner and the attorney general to determine the adequacy of the amount of an installment deposit. 12991
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Sec. 1346.09. (A) The attorney general, on behalf of the tax commissioner, may seek an injunction to restrain a threatened or actual violation of division (C)(1) of section 1346.05 of the Revised Code or division (A) or (C) of section 1346.07 of the Revised Code by a stamping agent and to compel the stamping agent to comply with those divisions. 13001
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(B) In any action brought by the state to enforce sections 1346.05 to 1346.10 of the Revised Code, the state shall be entitled to recover the costs of the investigation, expert witness fees, court costs, and reasonable attorney's fees. 13007
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(C) If a court determines that a person has violated any prohibition or other provision of sections 1346.05 to 1346.10 of the Revised Code, the court shall order that the person's profits, gain, gross receipts, or other benefit from the violation be disgorged and paid to the general revenue fund of the state. 13011
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(D) Unless otherwise expressly provided, the remedies or penalties provided by this chapter are cumulative to each other and to the remedies or penalties available under all other laws of the state. 13016
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Sec. 1346.10. (A) In lieu of or in addition to any other 13020

remedy provided by law, upon a determination that a stamping agent 13021
has violated division (C)(1) of section 1346.05 of the Revised 13022
Code or any administrative rule adopted under sections 1346.05 to 13023
1346.10 of the Revised Code, the tax commissioner may revoke the 13024
license of the stamping agent in the manner provided by section 13025
5743.18 of the Revised Code. 13026

(B) For each violation of division (C)(1) of section 1346.05 13027
of the Revised Code, in addition to any other penalty provided by 13028
law, the tax commissioner may impose a fine in an amount not to 13029
exceed the greater of five hundred per cent of the retail value of 13030
the cigarettes involved or five thousand dollars. The fine shall 13031
be imposed in the manner provided by section 5743.081 of the 13032
Revised Code. 13033

For the purpose of this division, each stamp affixed to a 13034
package of cigarettes and each sale or offer for sale of 13035
cigarettes in violation of division (C)(1) of section 1346.05 of 13036
the Revised Code shall constitute a separate violation. 13037

Sec. 1501.04. There is hereby created in the department of 13038
natural resources a recreation and resources commission composed 13039
of the ~~chairman~~ chairperson of the wildlife council created under 13040
section 1531.03 of the Revised Code, the ~~chairman~~ chairperson of 13041
the parks and recreation council created under section 1541.40 of 13042
the Revised Code, the ~~chairman~~ chairperson of the waterways safety 13043
council created under section 1547.73 of the Revised Code, the 13044
~~chairman~~ chairperson of the technical advisory council on oil and 13045
gas created under section 1509.38 of the Revised Code, the 13046
chairman of the forestry advisory council created under section 13047
1503.40 of the Revised Code, the ~~chairman~~ chairperson of the Ohio 13048
soil and water conservation commission created under section 13049
1515.02 of the Revised Code, the ~~chairman~~ chairperson of the Ohio 13050
natural areas council created under section 1517.03 of the Revised 13051

Code, the ~~chairman~~ chairperson of the Ohio water advisory council 13052
created under section 1521.031 of the Revised Code, the 13053
chairperson of the recycling and litter prevention advisory 13054
council created under section 1502.04 of the Revised Code, ~~the~~ 13055
~~chairperson of the civilian conservation advisory council created~~ 13056
~~under section 1553.10 of the Revised Code,~~ the ~~chairman~~ 13057
chairperson of the Ohio geology advisory council created under 13058
section 1505.11 of the Revised Code, and five members appointed by 13059
the governor with the advice and consent of the senate, not more 13060
than three of whom shall belong to the same political party. The 13061
director of natural resources shall be an ex officio member of the 13062
commission, with a voice in its deliberations, but without the 13063
power to vote. 13064

Terms of office of members of the commission appointed by the 13065
governor shall be for five years, commencing on the second day of 13066
February and ending on the first day of February. Each member 13067
shall hold office from the date of ~~his~~ appointment until the end 13068
of the term for which ~~he~~ the member was appointed. 13069

In the event of the death, removal, resignation, or 13070
incapacity of a member of the commission, the governor, with the 13071
advice and consent of the senate, shall appoint a successor who 13072
shall hold office for the remainder of the term for which ~~his~~ the 13073
member's predecessor was appointed. Any member shall continue in 13074
office subsequent to the expiration date of ~~his~~ the member's term 13075
until ~~his~~ the member's successor takes office, or until a period 13076
of sixty days has elapsed, whichever occurs first. 13077

The governor may remove any appointed member of the 13078
commission for misfeasance, nonfeasance, or malfeasance in office. 13079

The commission shall exercise no administrative function, but 13080
may: 13081

(A) Advise with and recommend to the director ~~of natural~~ 13082

~~resources~~ as to plans and programs for the management, 13083
development, utilization, and conservation of the natural 13084
resources of the state; 13085

(B) Advise with and recommend to the director as to methods 13086
of coordinating the work of the divisions of the department; 13087

(C) Consider and make recommendations upon any matter ~~which~~ 13088
that the director may submit to it; 13089

(D) Submit to the governor biennially recommendations for 13090
amendments to the conservation laws of the state. 13091

~~Before~~ Each member of the commission, before entering upon 13092
the discharge of ~~his~~ the member's duties, ~~each member of the~~ 13093
~~commission~~ shall take and subscribe to an oath of office, which 13094
oath, in writing, shall be filed in the office of the secretary of 13095
state. 13096

The members of the commission shall serve without 13097
compensation, but shall be entitled to receive their actual and 13098
necessary expenses incurred in the performance of their official 13099
duties. 13100

The commission, by a majority vote of all its members, shall 13101
adopt and amend bylaws. 13102

To be eligible for appointment, a person shall be a citizen 13103
of the United States and an elector of the state and shall possess 13104
a knowledge of and have an interest in the natural resources of 13105
this state. 13106

The commission shall hold at least four regular quarterly 13107
meetings each year. Special meetings shall be held at such times 13108
as the bylaws of the commission provide. Notices of all meetings 13109
shall be given in such manner as the bylaws provide. The 13110
commission shall choose annually from among its members a ~~chairman~~ 13111
chairperson to preside over its meetings and a secretary to keep a 13112

record of its proceedings. A majority of the members of the 13113
commission constitutes a quorum. No advice shall be given or 13114
recommendation made without a majority of the members of the 13115
commission concurring therein. 13116

Sec. 1501.25. (A) There is hereby created the Muskingum river 13117
advisory council consisting of the following members: 13118

(1) Two members of the house of representatives, one from 13119
each party to be appointed by the speaker of the house of 13120
representatives after conferring with the minority leader of the 13121
house, and two members of the senate, one from each party to be 13122
appointed by the president of the senate after conferring with the 13123
minority leader of the senate; 13124

(2) Four persons interested in the development of 13125
recreational and commercial uses of the Muskingum river, to be 13126
appointed by the governor; 13127

(3) Two representatives of the department of natural 13128
resources to be appointed by the director of natural resources, 13129
one representative of the department of development to be 13130
appointed by the director of development, one representative of 13131
the environmental protection agency to be appointed by the 13132
director of environmental protection, one representative of the 13133
department of transportation to be appointed by the director of 13134
transportation, and one representative of the Ohio historical 13135
society to be appointed by the director of the society; 13136

(4) Twelve persons to be appointed from the four counties 13137
through which the Muskingum river flows, who shall be appointed in 13138
the following manner. The board of county commissioners of 13139
Coshocton county shall appoint two members, and the mayor of the 13140
city of Coshocton shall appoint one member. The board of county 13141
commissioners of Muskingum county shall appoint two members, and 13142
the mayor of the city of Zanesville shall appoint one member. The 13143

board of county commissioners of Morgan county shall appoint two 13144
members, and the mayor of the city of McConnelsville shall appoint 13145
one member. The board of county commissioners of Washington county 13146
shall appoint two members, and the mayor of the city of Marietta 13147
shall appoint one member. 13148

(5) One member representing the Muskingum watershed 13149
conservancy district, to be appointed by the board of directors of 13150
the district. 13151

Members shall serve at the pleasure of their appointing 13152
authority. Vacancies shall be filled in the manner of the original 13153
appointment. 13154

The council biennially shall elect from among its members a 13155
chairperson and a vice-chairperson. One of the representatives of 13156
the department of natural resources shall serve as secretary of 13157
the council unless a majority of the members elect another member 13158
to that position. The council shall meet at least once each year 13159
for the purpose of taking testimony from residents of the 13160
Muskingum river area, users of the river and adjacent lands, and 13161
the general public and may hold additional meetings at the call of 13162
the chairperson. 13163

The chairperson may appoint members of the council and other 13164
persons to committees and study groups as needed. 13165

The council shall submit an annual report to the general 13166
assembly, the governor, and the director of natural resources. The 13167
report shall include, without limitation, a description of the 13168
conditions of the Muskingum river area, a discussion of the 13169
council's activities, any recommendations for actions by the 13170
general assembly or any state agency that the council determines 13171
are needed, and estimates of the costs of those recommendations. 13172

The department of natural resources shall provide staff 13173
assistance to the council as needed. 13174

<u>(B) The council may do any of the following:</u>	13175
<u>(1) Provide coordination among political subdivisions, state agencies, and federal agencies involved in dredging, debris removal or disposal, and recreational, commercial, tourism, and economic development;</u>	13176 13177 13178 13179
<u>(2) Provide aid to civic groups and individuals who want to make improvements to the Muskingum river if the council determines that the improvements would be beneficial to the residents of the area and to the state;</u>	13180 13181 13182 13183
<u>(3) Provide information and planning aid to state and local agencies responsible for historic, commercial, and recreational development of the Muskingum river area, including, without limitation, suggestions as to priorities for pending Muskingum river projects of the department of natural resources;</u>	13184 13185 13186 13187 13188
<u>(4) Provide updated information to the United States army corps of engineers, the department of natural resources, and the Muskingum conservancy district established under Chapter 6101. of the Revised Code concerning potential hazards to flood control or navigation, erosion problems, debris accumulation, and deterioration of locks or dams.</u>	13189 13190 13191 13192 13193 13194
Sec. 1503.05. (A) The chief of the division of forestry may sell timber and other forest products from the state forest and state forest nurseries whenever the chief considers such a sale desirable and, with the approval of the attorney general and the director of natural resources, may sell portions of the state forest lands when such a sale is advantageous to the state.	13195 13196 13197 13198 13199 13200
(B) Except as otherwise provided in this section, a timber sale agreement shall not be executed unless the person or governmental entity bidding on the sale executes and files a surety bond conditioned on completion of the timber sale in	13201 13202 13203 13204

accordance with the terms of the agreement in an amount equal to 13205
twenty-five per cent of the highest value cutting section. All 13206
bonds shall be given in a form prescribed by the chief and shall 13207
run to the state as obligee. 13208

The chief shall not approve any bond until it is personally 13209
signed and acknowledged by both principal and surety, or as to 13210
either by the attorney in fact thereof, with a certified copy of 13211
the power of attorney attached. The chief shall not approve the 13212
bond unless there is attached a certificate of the superintendent 13213
of insurance that the company is authorized to transact a fidelity 13214
and surety business in this state. 13215

In lieu of a bond, the bidder may deposit any of the 13216
following: 13217

(1) Cash in an amount equal to the amount of the bond; 13218

(2) United States government securities having a par value 13219
equal to or greater than the amount of the bond; 13220

(3) Negotiable certificates of deposit or irrevocable letters 13221
of credit issued by any bank organized or transacting business in 13222
this state having a par value equal to or greater than the amount 13223
of the bond. 13224

The cash or securities shall be deposited on the same terms 13225
as bonds. If one or more certificates of deposit are deposited in 13226
lieu of a bond, the chief shall require the bank that issued any 13227
of the certificates to pledge securities of the aggregate market 13228
value equal to the amount of the certificate or certificates that 13229
is in excess of the amount insured by the federal deposit 13230
insurance corporation. The securities to be pledged shall be those 13231
designated as eligible under section 135.18 of the Revised Code. 13232
The securities shall be security for the repayment of the 13233
certificate or certificates of deposit. 13234

Immediately upon a deposit of cash, securities, certificates 13235

of deposit, or letters of credit, the chief shall deliver them to 13236
the treasurer of state, who shall hold them in trust for the 13237
purposes for which they have been deposited. The treasurer of 13238
state is responsible for the safekeeping of the deposits. A bidder 13239
making a deposit of cash, securities, certificates of deposit, or 13240
letters of credit may withdraw and receive from the treasurer of 13241
state, on the written order of the chief, all or any portion of 13242
the cash, securities, certificates of deposit, or letters of 13243
credit upon depositing with the treasurer of state cash, other 13244
United States government securities, or other negotiable 13245
certificates of deposit or irrevocable letters of credit issued by 13246
any bank organized or transacting business in this state, equal in 13247
par value to the par value of the cash, securities, certificates 13248
of deposit, or letters of credit withdrawn. 13249

A bidder may demand and receive from the treasurer of state 13250
all interest or other income from any such securities or 13251
certificates as it becomes due. If securities so deposited with 13252
and in the possession of the treasurer of state mature or are 13253
called for payment by their issuer, the treasurer of state, at the 13254
request of the bidder who deposited them, shall convert the 13255
proceeds of the redemption or payment of the securities into other 13256
United States government securities, negotiable certificates of 13257
deposit, or cash as the bidder designates. 13258

When the chief finds that a person or governmental agency has 13259
failed to comply with the conditions of the person's or 13260
governmental agency's bond, the chief shall make a finding of that 13261
fact and declare the bond, cash, securities, certificates, or 13262
letters of credit forfeited. The chief thereupon shall certify the 13263
total forfeiture to the attorney general, who shall proceed to 13264
collect the amount of the bond, cash, securities, certificates, or 13265
letters of credit. 13266

In lieu of total forfeiture, the surety, at its option, may 13267

cause the timber sale to be completed or pay to the treasurer of 13268
state the cost thereof. 13269

All moneys collected as a result of forfeitures of bonds, 13270
cash, securities, certificates, and letters of credit under this 13271
section shall be credited to the state forest fund created in this 13272
section. 13273

(C) The chief may grant easements and leases on portions of 13274
the state forest lands and state forest nurseries under terms that 13275
are advantageous to the state, and the chief may grant mineral 13276
rights on a royalty basis on those lands and nurseries, with the 13277
approval of the attorney general and the director. 13278

(D) All moneys received from the sale of state forest lands, 13279
or in payment for easements or leases on or as rents from those 13280
lands or from state forest nurseries, shall be paid into the state 13281
treasury to the credit of the state forest fund, which is hereby 13282
created. All moneys received from the sale of standing timber 13283
taken from the state forest lands shall be deposited into the 13284
state treasury. Twenty-five per cent of the moneys so deposited 13285
shall be credited to the state forest fund. Seventy-five per cent 13286
of the moneys so deposited shall be credited to the general 13287
revenue fund. All moneys received from the sale of forest 13288
products, other than standing timber, and minerals taken from the 13289
state forest lands and state forest nurseries, together with 13290
royalties from mineral rights, shall be paid into the state 13291
treasury to the credit of the state forest fund. 13292

At the time of making such a ~~payment or deposit~~ into the 13293
state treasury to the credit of the general revenue fund, the 13294
chief shall determine the amount and ~~gross net~~ value of all such 13295
~~products standing timber~~ sold ~~or royalties received~~ from lands and 13296
nurseries in each county, in each township within the county, and 13297
in each school district within the county. Afterward the chief 13298
shall send to each county treasurer a copy of the determination 13299

and shall provide for payment to the county treasurer, for the use 13300
of the general fund of that county from the amount so received as 13301
provided in this division, an amount equal to ~~eighty~~ sixty-five 13302
per cent of the ~~gross net~~ value of the ~~products~~ standing timber 13303
sold ~~or royalties received~~ from lands and nurseries located in 13304
that county. The county auditor shall do all of the following: 13305

(1) Retain for the use of the general fund of the county 13306
one-fourth of the amount received by the county under division (D) 13307
of this section; 13308

(2) Pay into the general fund of any township located within 13309
the county and containing such lands and nurseries one-fourth of 13310
the amount received by the county from ~~products~~ standing timber 13311
sold ~~or royalties received~~ from lands and nurseries located in the 13312
township; 13313

(3) Request the board of education of any school district 13314
located within the county and containing such lands and nurseries 13315
to identify which fund or funds of the district should receive the 13316
moneys available to the school district under division (D)(3) of 13317
this section. After receiving notice from the board, the county 13318
auditor shall pay into the fund or funds so identified one-half of 13319
the amount received by the county from ~~products~~ standing timber 13320
sold ~~or royalties received~~ from lands and nurseries located in the 13321
school district, distributed proportionately as identified by the 13322
board. 13323

The division of forestry shall not supply logs, lumber, or 13324
other forest products or minerals, taken from the state forest 13325
lands or state forest nurseries, to any other agency or 13326
subdivision of the state unless payment is made therefor in the 13327
amount of the actual prevailing value thereof. This section is 13328
applicable to the moneys so received. All moneys received from the 13329
sale of reforestation tree stock or other revenues derived from 13330
the operation of the state forests, facilities, or equipment shall 13331

be paid into the state forest fund. 13332

The fund shall not be expended for any purpose other than the 13333
administration, operation, maintenance, development, or 13334
utilization of the state forests, forest nurseries, and forest 13335
programs, for facilities or equipment incident to them, or for the 13336
further purchase of lands for state forest or forest nursery 13337
purposes. 13338

Sec. 1513.05. There is hereby created a reclamation 13339
commission consisting of seven members appointed by the governor 13340
with the advice and consent of the senate. For the purposes of 13341
hearing appeals under section 1513.13 of the Revised Code that 13342
involve mine safety issues, the reclamation commission shall 13343
consist of two additional members appointed specifically for that 13344
function by the governor with the advice and consent of the 13345
senate. All terms of office shall be for five years, commencing on 13346
the twenty-ninth day of June and ending on the twenty-eighth day 13347
of June. Each member shall hold office from the date of 13348
appointment until the end of the term for which the appointment 13349
was made. Each vacancy occurring on the commission shall be filled 13350
by appointment within sixty days after the vacancy occurs. Any 13351
member appointed to fill a vacancy occurring prior to the 13352
expiration of the term for which the member's predecessor was 13353
appointed shall hold office for the remainder of such term. Any 13354
member shall continue in office subsequent to the expiration date 13355
of the member's term until the member's successor takes office, or 13356
until a period of sixty days has elapsed, whichever occurs first. 13357

Two of the appointees to the commission shall be persons who, 13358
at the time of their appointment, own and operate a farm or are 13359
retired farmers. Notwithstanding section 1513.04 of the Revised 13360
Code, one of the appointees to the commission shall be a person 13361
who, at the time of appointment, is the representative of an 13362

operator of a coal mine. One of the appointees to the commission 13363
shall be a person who, by reason of the person's previous 13364
vocation, employment, or affiliations, can be classed as a 13365
representative of the public. One of the appointees to the 13366
commission shall be a person who, by reason of previous training 13367
and experience, can be classed as one learned and experienced in 13368
modern forestry practices. One of the appointees to the commission 13369
shall be a person who, by reason of previous training and 13370
experience, can be classed as one learned and experienced in 13371
agronomy. One of the appointees to the commission shall be either 13372
a person who, by reason of previous training and experience, can 13373
be classed as one capable and experienced in earth-grading 13374
problems, or a civil engineer. Beginning not later than five years 13375
after the effective date of this amendment, at least one of the 13376
seven appointees to the commission shall be an attorney at law who 13377
is admitted to practice in this state and is familiar with mining 13378
issues. Not more than four members shall be members of the same 13379
political party. 13380

The two additional members of the commission who are 13381
appointed specifically to hear appeals that involve mine safety 13382
issues shall be individuals who, because of previous vocation, 13383
employment, or affiliation, can be classified as representatives 13384
of employees currently engaged in mining operations. One shall be 13385
a representative of coal miners, and one shall be a representative 13386
of aggregates miners. Prior to making the appointment, the 13387
governor shall request the highest ranking officer in the major 13388
employee organization representing coal miners in this state to 13389
submit to the governor the names and qualifications of three 13390
nominees and shall request the highest ranking officer in the 13391
major employee organization representing aggregates miners in this 13392
state to do the same. The governor shall appoint one person 13393
nominated by each organization to the commission. The nominees 13394
shall have not less than five years of practical experience in 13395

dealing with mine health and safety issues and at the time of the 13396
nomination shall be employed in positions that involve the 13397
protection of the health and safety of miners. The major employee 13398
organization representing coal miners and the major employee 13399
organization representing aggregates miners shall represent a 13400
membership consisting of the largest number of coal miners and 13401
aggregates miners, respectively, in this state compared to other 13402
employee organizations in the year prior to the year in which the 13403
appointments are made. 13404

When the commission hears an appeal that involves a coal 13405
mining safety issue, one of the commission members who owns and 13406
operates a farm or is a retired farmer shall be replaced by the 13407
additional member who is a representative of coal miners. When the 13408
commission hears an appeal that involves an aggregates mining 13409
safety issue, one of the commission members who owns and operates 13410
a farm or is a retired farmer shall be replaced by the additional 13411
member who is a representative of aggregates miners. Neither of 13412
the additional members who are appointed specifically to hear 13413
appeals that involve mine safety issues shall be considered to be 13414
members of the commission for any other purpose, and they shall 13415
not participate in any other matters that come before the 13416
commission. 13417

The commission may appoint a secretary to hold office at its 13418
pleasure. A commission member may serve as secretary. The 13419
secretary shall perform such duties as the commission prescribes, 13420
and shall receive such compensation as the commission fixes in 13421
accordance with such schedules as are provided by law for the 13422
compensation of state employees. 13423

The commission shall appoint one or more hearing officers who 13424
shall be attorneys at law admitted to practice in this state to 13425
conduct hearings under this chapter. 13426

Four members constitute a quorum, and no action of the 13427

commission shall be valid unless it has the concurrence of at 13428
least four members. The commission shall keep a record of its 13429
proceedings. 13430

Each member shall be paid as compensation for work as a 13431
member one hundred fifty dollars per day when actually engaged in 13432
the performance of work as a member and when engaged in travel 13433
necessary in connection with such work. In addition to such 13434
compensation each member shall be reimbursed for all traveling, 13435
hotel, and other expenses, in accordance with the current travel 13436
rules of the office of budget and management, necessarily incurred 13437
in the performance of the member's work as a member. 13438

Annually one member shall be elected as chairperson and 13439
another member shall be elected as vice-chairperson for terms of 13440
one year. 13441

The governor may remove any member of the commission from 13442
office for inefficiency, neglect of duty, malfeasance, 13443
misfeasance, or nonfeasance, after delivering to the member the 13444
charges against the member in writing with at least ten days' 13445
written notice of the time and place at which the governor will 13446
publicly hear the member, either in person or by counsel, in 13447
defense of the charges against the member. If the member is 13448
removed from office, the governor shall file in the office of the 13449
secretary of state a complete statement of the charges made 13450
against the member and a complete report of the proceedings. The 13451
action of the governor removing a member from office is final. 13452

The commission shall adopt rules governing procedure of 13453
appeals under section 1513.13 of the Revised Code and may, for its 13454
own internal management, adopt rules that do not affect private 13455
rights. 13456

Sec. 1515.08. The supervisors of a soil and water 13457
conservation district have the following powers in addition to 13458

their other powers:	13459
(A) To conduct surveys, investigations, and research relating	13460
to the character of soil erosion, floodwater and sediment damages,	13461
and the preventive and control measures and works of improvement	13462
for flood prevention and the conservation, development,	13463
utilization, and disposal of water needed within the district, and	13464
to publish the results of those surveys, investigations, or	13465
research, provided that no district shall initiate any research	13466
program except in cooperation or after consultation with the Ohio	13467
agricultural research and development center;	13468
(B) To develop plans for the conservation of soil resources,	13469
for the control and prevention of soil erosion, and for works of	13470
improvement for flood prevention and the conservation,	13471
development, utilization, and disposal of water within the	13472
district, and to publish those plans and information;	13473
(C) To implement, construct, repair, maintain, and operate	13474
preventive and control measures and other works of improvement for	13475
natural resource conservation and development and flood	13476
prevention, and the conservation, development, utilization, and	13477
disposal of water within the district on lands owned or controlled	13478
by this state or any of its agencies and on any other lands within	13479
the district, which works may include any facilities authorized	13480
under state or federal programs, and to acquire, by purchase or	13481
gift, to hold, encumber, or dispose of, and to lease real and	13482
personal property or interests in such property for those	13483
purposes;	13484
(D) To cooperate or enter into agreements with any occupier	13485
of lands within the district in the carrying on of natural	13486
resource conservation operations and works of improvement for	13487
flood prevention and the conservation, development, utilization,	13488
and management of natural resources within the district, subject	13489
to such conditions as the supervisors consider necessary;	13490

(E) To accept donations, gifts, grants, and contributions in 13491
money, service, materials, or otherwise, and to use or expend them 13492
according to their terms; 13493

(F) To adopt, amend, and rescind rules to carry into effect 13494
the purposes and powers of the district; 13495

(G) To sue and plead in the name of the district, and be sued 13496
and impleaded in the name of the district, with respect to its 13497
contracts and, as indicated in section 1515.081 of the Revised 13498
Code, certain torts of its officers, employees, or agents acting 13499
within the scope of their employment or official responsibilities, 13500
or with respect to the enforcement of its obligations and 13501
covenants made under this chapter; 13502

(H) To make and enter into all contracts, leases, and 13503
agreements and execute all instruments necessary or incidental to 13504
the performance of the duties and the execution of the powers of 13505
the district under this chapter, provided that all of the 13506
following apply: 13507

(1) Except as provided in section 307.86 of the Revised Code 13508
regarding expenditures by boards of county commissioners, when the 13509
cost under any such contract, lease, or agreement, other than 13510
compensation for personal services or rental of office space, 13511
involves an expenditure of more than the amount established in 13512
that section regarding expenditures by boards of county 13513
commissioners, the supervisors shall make a written contract with 13514
the lowest and best bidder after advertisement, for not less than 13515
two nor more than four consecutive weeks preceding the day of the 13516
opening of bids, in a newspaper of general circulation within the 13517
district and in such other publications as the supervisors 13518
determine. The notice shall state the general character of the 13519
work and materials to be furnished, the place where plans and 13520
specifications may be examined, and the time and place of 13521

receiving bids. 13522

(2) Each bid for a contract shall contain the full name of 13523
every person interested in it. 13524

(3) Each bid for a contract for the construction, demolition, 13525
alteration, repair, or reconstruction of an improvement shall meet 13526
the requirements of section 153.54 of the Revised Code. 13527

(4) Each bid for a contract, other than a contract for the 13528
construction, demolition, alteration, repair, or reconstruction of 13529
an improvement, at the discretion of the supervisors, may be 13530
accompanied by a bond or certified check on a solvent bank in an 13531
amount not to exceed five per cent of the bid, conditioned that, 13532
if the bid is accepted, a contract shall be entered into. 13533

(5) The supervisors may reject any and all bids. 13534

(I) To make agreements with the department of natural 13535
resources giving it control over lands of the district for the 13536
purpose of construction of improvements by the department under 13537
section 1501.011 of the Revised Code; 13538

(J) To charge, alter, and collect rentals and other charges 13539
for the use or services of any works of the district; 13540

(K) To enter, either in person or by designated 13541
representatives, upon lands, private or public, in the necessary 13542
discharge of their duties; 13543

(L) To enter into agreements or contracts with the department 13544
for the determination, implementation, inspection, and funding of 13545
agricultural pollution abatement and urban sediment pollution 13546
abatement measures whereby landowners, operators, managers, and 13547
developers may meet adopted state standards for a quality 13548
environment, except that failure of a district board of 13549
supervisors to negotiate an agreement or contract with the 13550
department shall authorize the division of soil and water 13551

conservation to implement the required program;	13552
(M) To conduct demonstrations and provide information to the public regarding practices and methods for natural resource conservation, development, and utilization;	13553 13554 13555
(N) Until June 1, 1996, to conduct surveys and investigations relating to the incidence of the multiflora rose within the district and of the nature and extent of the adverse effects of the multiflora rose on agriculture, forestry, recreation, and other beneficial land uses;	13556 13557 13558 13559 13560
(O) Until June 1, 1996, to develop plans for the control of the multiflora rose within the district and to publish those plans and information related to control of the multiflora rose;	13561 13562 13563
(P) Until June 1, 1996, to enter into contracts or agreements with the chief of the division of soil and water conservation to implement and administer a program for control of the multiflora rose and to receive and expend funds provided by the chief for that purpose;	13564 13565 13566 13567 13568
(Q) Until June 1, 1996, to enter into cost-sharing agreements with landowners for control of the multiflora rose. Before entering into any such agreement, the board of supervisors shall determine that the landowner's application meets the eligibility criteria established under division (E)(6) of section 1511.02 of the Revised Code. The cost-sharing agreements shall contain the contract provisions required by the rules adopted under that division and such other provisions as the board of supervisors considers appropriate to ensure effective control of the multiflora rose.	13569 13570 13571 13572 13573 13574 13575 13576 13577 13578
(R) To enter into contracts or agreements with the chief to implement and administer a program for urban sediment pollution abatement and to receive and expend moneys provided by the chief for that purpose;	13579 13580 13581 13582

(S) To develop operation and management plans, as defined in 13583
section 1511.01 of the Revised Code, as necessary; 13584

(T) To determine whether operation and management plans 13585
developed under division (A) of section 1511.021 of the Revised 13586
Code comply with the standards established under division (E)(1) 13587
of section 1511.02 of the Revised Code and to approve or 13588
disapprove the plans, based on such compliance. If an operation 13589
and management plan is disapproved, the board shall provide a 13590
written explanation to the person who submitted the plan. The 13591
person may appeal the plan disapproval to the chief, who shall 13592
afford the person a hearing. Following the hearing, the chief 13593
shall uphold the plan disapproval or reverse it. If the chief 13594
reverses the plan disapproval, the plan shall be deemed approved 13595
under this division. In the event that any person operating or 13596
owning agricultural land or a concentrated animal feeding 13597
operation in accordance with an approved operation and management 13598
plan who, in good faith, is following that plan, causes 13599
agricultural pollution, the plan shall be revised in a fashion 13600
necessary to mitigate the agricultural pollution, as determined 13601
and approved by the board of supervisors of the soil and water 13602
conservation district. 13603

(U) With regard to composting conducted in conjunction with 13604
agricultural operations, to do all of the following: 13605

(1) Upon request or upon their own initiative, inspect 13606
composting at any such operation to determine whether the 13607
composting is being conducted in accordance with section 1511.022 13608
of the Revised Code; 13609

(2) If the board determines that composting is not being so 13610
conducted, request the chief to issue an order under division (G) 13611
of section 1511.02 of the Revised Code requiring the person who is 13612
conducting the composting to prepare a composting plan in 13613

accordance with rules adopted under division (E)(10)(c) of that 13614
section and to operate in accordance with that plan or to operate 13615
in accordance with a previously prepared plan, as applicable; 13616

(3) In accordance with rules adopted under division 13617
(E)(10)(c) of section 1511.02 of the Revised Code, review and 13618
approve or disapprove any such composting plan. If a plan is 13619
disapproved, the board shall provide a written explanation to the 13620
person who submitted the plan. 13621

As used in division (U) of this section, "composting" has the 13622
same meaning as in section 1511.01 of the Revised Code. 13623

(V) With regard to conservation activities that are conducted 13624
in conjunction with agricultural operations, to assist the county 13625
auditor, upon request, in determining whether a conservation 13626
activity is a conservation practice for purposes of Chapter 929. 13627
or sections 5713.30 to 5713.37 and 5715.01 of the Revised Code. 13628

As used in this division, "conservation practice" has the 13629
same meaning as in section 5713.30 of the Revised Code. 13630

(W) To do all acts necessary or proper to carry out the 13631
powers granted in this chapter. 13632

The director of natural resources shall make recommendations 13633
to reduce the adverse environmental effects of each project that a 13634
soil and water conservation district plans to undertake under 13635
division (A), (B), (C), or (D) of this section and that will be 13636
funded in whole or in part by moneys authorized under section 13637
1515.16 of the Revised Code and shall disapprove any such project 13638
that the director finds will adversely affect the environment 13639
without equal or greater benefit to the public. The director's 13640
disapproval or recommendations, upon the request of the district 13641
filed in accordance with rules adopted by the Ohio soil and water 13642
conservation commission, shall be reviewed by the commission, 13643
which may confirm the director's decision, modify it, or add 13644

recommendations to or approve a project the director has 13645
disapproved. 13646

Any instrument by which real property is acquired pursuant to 13647
this section shall identify the agency of the state that has the 13648
use and benefit of the real property as specified in section 13649
5301.012 of the Revised Code. 13650

Sec. 1519.05. (A) As used in this section, "local political 13651
subdivision" and "nonprofit organization" have the same meanings 13652
as in section 164.20 of the Revised Code. 13653

(B) There is hereby created in the state treasury the clean 13654
Ohio trail fund. Twelve and one-half per cent of the net proceeds 13655
of obligations issued and sold pursuant to sections 151.01 and 13656
151.09 of the Revised Code shall be deposited into the fund. 13657

Investment earnings of the fund shall be credited to the 13658
fund. ~~For two years after the effective date of this section,~~ 13659
~~investment earnings credited to the fund~~ and may be used to pay 13660
costs incurred by the director of natural resources in 13661
administering this section. 13662

Money in the clean Ohio trail fund shall not be used for the 13663
appropriation of land, rights, rights-of-way, franchises, 13664
easements, or other property through the exercise of the right of 13665
eminent domain. 13666

The director shall use moneys in the fund exclusively to 13667
provide matching grants to nonprofit organizations and to local 13668
political subdivisions for the purposes of purchasing land or 13669
interests in land for recreational trails and for the construction 13670
of such trails. A matching grant may provide up to seventy-five 13671
per cent of the cost of a recreational trail project, and the 13672
recipient of the matching grant shall provide not less than 13673
twenty-five per cent of that cost. 13674

(C) The director shall establish policies for the purposes of 13675
this section. The policies shall establish all of the following: 13676

(1) Procedures for providing matching grants to nonprofit 13677
organizations and local political subdivisions for the purposes of 13678
purchasing land or interests in land for recreational trails and 13679
for the construction of such trails, including, without 13680
limitation, procedures for both of the following: 13681

(a) Developing a grant application form and soliciting, 13682
accepting, and approving grant applications; 13683

(b) Participation by nonprofit organizations and local 13684
political subdivisions in the application process. 13685

(2) A requirement that an application for a matching grant 13686
for a recreational trail project include a copy of a resolution 13687
supporting the project from each county in which the proposed 13688
project is to be conducted and whichever of the following is 13689
applicable: 13690

(a) If the proposed project is to be conducted wholly within 13691
the geographical boundaries of one township, a copy of a 13692
resolution supporting the project from the township; 13693

(b) If the proposed project is to be conducted wholly within 13694
the geographical boundaries of one municipal corporation, a copy 13695
of a resolution supporting the project from the municipal 13696
corporation; 13697

(c) If the proposed project is to be conducted in more than 13698
one, but fewer than five townships or municipal corporations, a 13699
copy of a resolution supporting the project from at least one-half 13700
of the total number of townships and municipal corporations in 13701
which the proposed project is to be conducted; 13702

(d) If the proposed project is to be conducted in five or 13703
more municipal corporations, a copy of a resolution supporting the 13704

project from at least three-fifths of the total number of 13705
townships and municipal corporations in which the proposed project 13706
is to be conducted. 13707

(3) Eligibility criteria that must be satisfied by an 13708
applicant in order to receive a matching grant and that emphasize 13709
the following: 13710

(a) Synchronization with the statewide trail plan; 13711

(b) Complete regional systems and links to the statewide 13712
trail system; 13713

(c) A combination of funds from various state agencies; 13714

(d) The provision of links in urban areas that support 13715
commuter access and show economic impact on local communities; 13716

(e) The linkage of population centers with public outdoor 13717
recreation areas and facilities; 13718

(f) The purchase of rail lines that are linked to the 13719
statewide trail plan; 13720

(g) The preservation of natural corridors. 13721

(4) Items of value, such as in-kind contributions of land, 13722
easements or other interests in land, labor, or materials, that 13723
may be considered as contributing toward the percentage of the 13724
cost of a recreational trails project that must be provided by a 13725
matching grant recipient. 13726

Sec. 1521.06. (A) No dam may be constructed for the purpose 13727
of storing, conserving, or retarding water, or for any other 13728
purpose, nor shall any dike or levee be constructed for the 13729
purpose of diverting or retaining flood water, unless the person 13730
or governmental agency desiring the construction has a 13731
construction permit for the dam, dike, or levee issued by the 13732
chief of the division of water. 13733

A construction permit is not required under this section for: 13734

(1) A dam ~~which~~ that is or will be less than ten feet in 13735
height and ~~which~~ that has or will have a storage capacity of not 13736
more than fifty acre-feet at the elevation of the top of the dam, 13737
as determined by the chief. For the purposes of this section, the 13738
height of a dam shall be measured from the natural stream bed or 13739
lowest ground elevation at the downstream or outside limit of the 13740
dam to the elevation of the top of the dam. 13741

(2) A dam, regardless of height, ~~which~~ that has or will have 13742
a storage capacity of not more than fifteen acre-feet at the 13743
elevation of the top of the dam, as determined by the chief; 13744

(3) A dam, regardless of storage capacity, ~~which~~ that is or 13745
will be six feet or less in height, as determined by the chief; 13746

(4) A dam, dike, or levee ~~which~~ that belongs to a class 13747
exempted by the chief; 13748

(5) The repair, maintenance, improvement, alteration, or 13749
removal of a dam, dike, or levee ~~which~~ that is subject to section 13750
1521.062 of the Revised Code, unless the construction constitutes 13751
an enlargement of the structure as determined by the chief; 13752

(6) A dam or impoundment constructed under Chapter 1513. of 13753
the Revised Code. 13754

(B) Before a construction permit may be issued, three copies 13755
of the plans and specifications, including a detailed cost 13756
estimate, for the proposed construction, prepared by a registered 13757
professional engineer, together with the filing fee specified by 13758
this section and the bond or other security required by section 13759
1521.061 of the Revised Code, shall be filed with the chief. The 13760
detailed estimate of the cost shall include all costs associated 13761
with the construction of the dam, dike, or levee, including 13762
supervision and inspection of the construction by a registered 13763

professional engineer. ~~Except for a political subdivision, the~~ The 13764
filing fee shall be based on the detailed cost estimate for the 13765
proposed construction as filed with and approved by the chief, and 13766
shall be determined by the following schedule unless otherwise 13767
provided by rules adopted under this section: 13768

(1) For the first one hundred thousand dollars of estimated 13769
cost, a fee of ~~two~~ four per cent; 13770

(2) For the next four hundred thousand dollars of estimated 13771
cost, a fee of ~~one and one-half~~ three per cent; 13772

(3) For the next five hundred thousand dollars of estimated 13773
cost, a fee of ~~one~~ two per cent; 13774

(4) For all costs in excess of one million dollars, a fee of 13775
~~one-quarter~~ one-half of one per cent. 13776

In no case shall the filing fee be less than ~~two hundred~~ one 13777
thousand dollars or more than ~~fifty~~ one hundred thousand dollars. 13778
If the actual cost exceeds the estimated cost by more than fifteen 13779
per cent, an additional filing fee shall be required equal to the 13780
fee determined by the preceding schedule less the original filing 13781
fee. ~~The filing fee for a political subdivision shall be two~~ 13782
~~hundred dollars.~~ All fees collected pursuant to this section, and 13783
all fines collected pursuant to section 1521.99 of the Revised 13784
Code, shall be deposited in the state treasury to the credit of 13785
the dam safety fund, which is hereby created. Expenditures from 13786
the fund shall be made by the chief for the purpose of 13787
administering this section and sections 1521.061 and 1521.062 of 13788
the Revised Code. 13789

(C) The chief shall, within thirty days from the date of the 13790
receipt of the application, fee, and bond or other security, issue 13791
or deny a construction permit for the construction or may issue a 13792
construction permit conditioned upon the making of such changes in 13793
the plans and specifications for the construction as ~~he~~ the chief 13794

considers advisable if ~~he~~ the chief determines that the 13795
construction of the proposed dam, dike, or levee, in accordance 13796
with the plans and specifications filed, would endanger life, 13797
health, or property. 13798

(D) The chief may deny a construction permit ~~if he finds~~ 13799
after finding that a dam, dike, or levee built in accordance with 13800
the plans and specifications would endanger life, health, or 13801
property, because of improper or inadequate design, or for such 13802
other reasons as the chief may determine. 13803

In the event the chief denies a permit for the construction 13804
of the dam, dike, or levee, or issues a permit conditioned upon a 13805
making of changes in the plans or specifications for the 13806
construction, ~~he~~ the chief shall state ~~his~~ the reasons therefor 13807
and so notify, in writing, the person or governmental agency 13808
making the application for a permit. If the permit is denied, the 13809
chief shall return the bond or other security to the person or 13810
governmental agency making application for the permit. 13811

The decision of the chief conditioning or denying a 13812
construction permit is subject to appeal as provided in Chapter 13813
119. of the Revised Code. A dam, dike, or levee built 13814
substantially at variance from the plans and specifications upon 13815
which a construction permit was issued is in violation of this 13816
section. The chief may at any time inspect any dam, dike, or 13817
levee, or site upon which any dam, dike, or levee is to be 13818
constructed, in order to determine whether it complies with this 13819
section. 13820

(E) A registered professional engineer shall inspect the 13821
construction for which the permit was issued during all phases of 13822
construction and shall furnish to the chief such regular reports 13823
of ~~his~~ the engineer's inspections as the chief may require. When 13824
the chief finds that construction has been fully completed in 13825
accordance with the terms of the permit and the plans and 13826

specifications approved by ~~him~~ the chief, ~~he~~ the chief shall 13827
approve the construction. When one year has elapsed after approval 13828
of the completed construction, and the chief finds that within 13829
this period no fact has become apparent to indicate that the 13830
construction was not performed in accordance with the terms of the 13831
permit and the plans and specifications approved by the chief, or 13832
that the construction as performed would endanger life, health, or 13833
property, ~~he~~ the chief shall release the bond or other security. 13834
No bond or other security shall be released until one year after 13835
final approval by the chief, unless the dam, dike, or levee has 13836
been modified so that it will not retain water and has been 13837
approved as nonhazardous after determination by the chief that the 13838
dam, dike, or levee as modified will not endanger life, health, or 13839
property. 13840

(F) When inspections required by this section are not being 13841
performed, the chief shall notify the person or governmental 13842
agency to which the permit has been issued that inspections are 13843
not being performed by the registered professional engineer and 13844
that the chief will inspect the remainder of the construction. 13845
Thereafter, the chief shall inspect the construction and the cost 13846
of inspection shall be charged against the owner. Failure of the 13847
registered professional engineer to submit required inspection 13848
reports shall be deemed notice that ~~his~~ the engineer's inspections 13849
are not being performed. 13850

(G) The chief may order construction to cease on any dam, 13851
dike, or levee ~~which~~ that is being built in violation of ~~the~~ 13852
~~provisions of~~ this section, and may prohibit the retention of 13853
water behind any dam, dike, or levee ~~which~~ that has been built in 13854
violation of ~~the provisions of~~ this section. The attorney general, 13855
upon written request of the chief, may bring an action for an 13856
injunction against any person who violates this section or to 13857
enforce an order or prohibition of the chief made pursuant to this 13858

section. 13859

(H) The chief may adopt rules in accordance with Chapter 119. 13860
of the Revised Code, for the design and construction of dams, 13861
dikes, and levees for which a construction permit is required by 13862
this section or for which periodic inspection is required by 13863
section 1521.062 of the Revised Code, for establishing a filing 13864
fee schedule in lieu of the schedule established under division 13865
(B) of this section, for deposit and forfeiture of bonds and other 13866
securities required by section 1521.061 of the Revised Code, for 13867
the periodic inspection, operation, repair, improvement, 13868
alteration, or removal of all dams, dikes, and levees, as 13869
specified in section 1521.062 of the Revised Code, and for 13870
establishing classes of dams, dikes, or levees ~~which~~ that are 13871
exempt from the requirements of sections 1521.06 and 1521.062 of 13872
the Revised Code as being of a size, purpose, or situation ~~which~~ 13873
that does not present a substantial hazard to life, health, or 13874
property. The chief may, by rule, limit the period during which a 13875
construction permit issued under this section is valid. If a 13876
construction permit expires before construction is completed, the 13877
person or agency shall apply for a new permit, and shall not 13878
continue construction until the new permit is issued. 13879

~~(I) As used in this section and section 1521.063 of the~~ 13880
~~Revised Code, "political subdivision" includes townships,~~ 13881
~~municipal corporations, counties, school districts, municipal~~ 13882
~~universities, park districts, sanitary districts, and conservancy~~ 13883
~~districts and subdivisions thereof.~~ 13884

Sec. 1521.063. (A) Except for a ~~political subdivision~~ the 13885
federal government, the owner of any dam subject to section 13886
1521.062 of the Revised Code shall pay an annual fee, based upon 13887
the height of the dam, to the division of water on or before June 13888
30, 1988, and on or before the thirtieth day of June of each 13889

succeeding year. The annual fee shall be as follows until 13890
otherwise provided by rules adopted under this section: 13891

(1) For any dam classified as a class I dam under rules 13892
adopted by the chief of the division of water under section 13893
1521.06 of the Revised Code, thirty dollars plus ~~three~~ ten dollars 13894
per foot of height of dam; 13895

(2) For any dam classified as a class II dam under those 13896
rules, thirty dollars plus one dollar per foot of height of dam; 13897

(3) For any dam classified as a class III dam under those 13898
rules, thirty dollars. 13899

For purposes of this section, the height of a dam is the 13900
vertical height, to the nearest foot, as determined by the 13901
division under section 1521.062 of the Revised Code. All fees 13902
collected under this section shall be deposited in the dam safety 13903
fund created in section 1521.06 of the Revised Code. Any owner who 13904
fails to pay any annual fee required by this section within sixty 13905
days after the due date shall be assessed a penalty of ten per 13906
cent of the annual fee plus interest at the rate of one-half per 13907
cent per month from the due date until the date of payment. 13908

(B) The chief shall, in accordance with Chapter 119. of the 13909
Revised Code, adopt, and may amend or rescind, rules for the 13910
collection of fees and the administration, implementation, and 13911
enforcement of this section and for the establishment of an annual 13912
fee schedule in lieu of the schedule established under division 13913
(A) of this section. 13914

(C)(1) No person, political subdivision, or state 13915
governmental agency shall violate or fail to comply with this 13916
section or any rule or order adopted or issued under it. 13917

(2) The attorney general, upon written request of the chief, 13918
may commence an action against any such violator. Any action under 13919
division (C)(2) of this section is a civil action. 13920

(D) As used in this section, "political subdivision" includes 13921
townships, municipal corporations, counties, school districts, 13922
municipal universities, park districts, sanitary districts, and 13923
conservancy districts and subdivisions thereof. 13924

Sec. 1531.26. There is hereby created in the state treasury 13925
the nongame and endangered wildlife fund, which shall consist of 13926
moneys paid into it by the tax commissioner under section 5747.113 13927
of the Revised Code, moneys deposited in the fund from the 13928
issuance of wildlife conservation license plates under section 13929
4503.57 of the Revised Code, moneys deposited in the fund from the 13930
issuance of bald eagle license plates under section 4503.572 of 13931
the Revised Code, moneys credited to the fund under section 13932
1533.151 of the Revised Code, and ~~of~~ contributions made directly 13933
to it. Any person may contribute directly to the fund in addition 13934
to or independently of the income tax refund contribution system 13935
established in section 5747.113 of the Revised Code. Moneys in the 13936
fund shall be disbursed pursuant to vouchers approved by the 13937
director of natural resources for use by the division of wildlife 13938
solely for the purchase, management, preservation, propagation, 13939
protection, and stocking of wild animals that are not commonly 13940
taken for sport or commercial purposes, including the acquisition 13941
of title and easements to lands, biological investigations, law 13942
enforcement, production of educational materials, sociological 13943
surveys, habitat development, and personnel and equipment costs; 13944
and for carrying out section 1531.25 of the Revised Code. Moneys 13945
in the fund also may be used to promote and develop nonconsumptive 13946
wildlife recreational opportunities involving wild animals. Moneys 13947
in the fund from the issuance of bald eagle license plates under 13948
section 4503.572 of the Revised Code shall be expended by the 13949
division only to pay the costs of acquiring, developing, and 13950
restoring habitat for bald eagles within this state. Moneys in the 13951
fund from any other source also may be used to pay the costs of 13952

acquiring, developing, and restoring habitat for bald eagles 13953
within this state. 13954

All investment earnings of the fund shall be credited to the 13955
fund. Subject to the approval of the director, the chief of the 13956
division of wildlife may enter into agreements that the chief 13957
considers appropriate to obtain additional moneys for the 13958
protection of nongame native wildlife under the "Endangered 13959
Species Act of 1973," 87 Stat. 884, 16 U.S.C.A. 1541-1543, as 13960
amended, and the "Fish and Wildlife Conservation Act of 1980," 94 13961
Stat. 1322, 16 U.S.C.A. 2901-2911, as amended. Moneys appropriated 13962
from the fund are not intended to replace other moneys 13963
appropriated for these purposes. 13964

Sec. 1533.08. Except as otherwise provided by division rule, 13965
any person desiring to collect wild animals that are protected by 13966
law or their nests or eggs for scientific study, school 13967
instruction, other educational uses, or rehabilitation shall make 13968
application to the chief of the division of wildlife for a wild 13969
animal collecting permit on a form furnished by the chief. Each 13970
applicant for a wild animal collecting permit, other than an 13971
applicant desiring to rehabilitate wild animals, shall pay an 13972
annual fee of ~~ten~~ twenty-five dollars for each permit. No fee 13973
shall be charged to an applicant desiring to rehabilitate wild 13974
animals. When it appears that the application is made in good 13975
faith, the chief shall issue to the applicant a permit to take, 13976
possess, and transport at any time and in any manner specimens of 13977
wild animals protected by law or their nests and eggs for 13978
scientific study, school instruction, other educational uses, or 13979
rehabilitation and under any additional rules recommended by the 13980
wildlife council. Upon the receipt of a permit, the holder may 13981
take, possess, and transport those wild animals in accordance with 13982
the permit. 13983

Each holder of a permit engaged in collecting such wild animals shall carry the permit at all times and shall exhibit it upon demand to any wildlife officer, constable, sheriff, deputy sheriff, or police officer, to the owner or person in lawful control of the land upon which the permit holder is collecting, or to any other person. Failure to so carry or exhibit the permit constitutes an offense under this section.

Each permit holder shall keep a daily record of all specimens collected under the permit and the disposition of the specimens and shall exhibit the daily record to any official of the division upon demand.

Each permit shall remain in effect for one year from the date of issuance unless it is revoked sooner by the chief.

All moneys received as fees for the issuance of a wild animal collecting permit shall be transmitted to the director of natural resources to be paid into the state treasury to the credit of the fund created by section 1533.15 of the Revised Code.

Sec. 1533.10. Except as provided in this section or division (A) of section 1533.12 of the Revised Code, no person shall hunt any wild bird or wild quadruped without a hunting license. Each day that any person hunts within the state without procuring such a license constitutes a separate offense. Every Except as otherwise provided in this section, every applicant for a hunting license who is a resident of the state and sixteen years of age or more shall procure a resident hunting license, the fee for which shall be ~~fourteen~~ eighteen dollars, unless the rules adopted under division (B) of section 1533.12 of the Revised Code provide for issuance of a resident hunting license to the applicant free of charge. Except as provided in rules adopted under division (B)(2) of that section, each applicant who is a resident of this state and who at the time of application is sixty-six years of age or

older shall procure a special senior hunting license, the fee for 14015
which shall be one-half of the regular hunting license fee. Every 14016
applicant who is ~~a resident of the state and~~ under the age of 14017
sixteen years shall procure a special youth hunting license, the 14018
fee for which shall be one-half of the regular hunting license 14019
fee. The owner of lands in the state and the owner's children of 14020
any age and grandchildren under eighteen years of age may hunt on 14021
the lands without a hunting license. The tenant ~~or manager~~ and 14022
children of the tenant ~~or manager~~, residing on lands in the state, 14023
may hunt on them without a hunting license. Every applicant for a 14024
hunting license who is a nonresident of the state and who is 14025
sixteen years of age or older shall procure a nonresident hunting 14026
license, the fee for which shall be ~~ninety~~ one hundred twenty-four 14027
dollars, unless the applicant is a resident of a state that is a 14028
party to an agreement under section 1533.91 of the Revised Code, 14029
in which case the fee shall be ~~fourteen~~ eighteen dollars. 14030

The chief of the division of wildlife may issue a ~~tourist's~~ 14031
small game hunting license expiring three days from the effective 14032
date of the license to a nonresident of the state, the fee for 14033
which shall be ~~twenty-four~~ thirty-nine dollars. No person shall 14034
take or possess deer, wild turkeys, fur-bearing animals, ducks, 14035
geese, brant, or any nongame animal while possessing only a 14036
~~tourist's~~ small game hunting license. A ~~tourist's~~ small game 14037
hunting license does not authorize the taking or possessing of 14038
ducks, geese, or brant without having obtained, in addition to the 14039
~~tourist's~~ small game hunting license, a wetlands habitat stamp as 14040
provided in section 1533.112 of the Revised Code. A ~~tourist's~~ 14041
small game hunting license does not authorize the taking or 14042
possessing of deer, wild turkeys, or fur-bearing animals. A 14043
nonresident of the state who wishes to take or possess deer, wild 14044
turkeys, or fur-bearing animals in this state shall procure, 14045
respectively, a special deer or wild turkey permit as provided in 14046
section 1533.11 of the Revised Code or a fur taker permit as 14047

provided in section 1533.111 of the Revised Code in addition to a 14048
nonresident hunting license or a special youth hunting license, as 14049
applicable, as provided in this section. 14050

No person shall procure or attempt to procure a hunting 14051
license by fraud, deceit, misrepresentation, or any false 14052
statement. 14053

This section does not authorize the taking and possessing of 14054
deer or wild turkeys without first having obtained, in addition to 14055
the hunting license required by this section, a special deer or 14056
wild turkey permit as provided in section 1533.11 of the Revised 14057
Code or the taking and possessing of ducks, geese, or brant 14058
without first having obtained, in addition to the hunting license 14059
required by this section, a wetlands habitat stamp as provided in 14060
section 1533.112 of the Revised Code. 14061

This section does not authorize the hunting or trapping of 14062
fur-bearing animals without first having obtained, in addition to 14063
a hunting license required by this section, a fur taker permit as 14064
provided in section 1533.111 of the Revised Code. 14065

No hunting license shall be issued unless it is accompanied 14066
by a written explanation of the law in section 1533.17 of the 14067
Revised Code and the penalty for its violation, including a 14068
description of terms of imprisonment and fines that may be 14069
imposed. 14070

No hunting license shall be issued unless the applicant 14071
presents to the agent authorized to issue the license a previously 14072
held hunting license or evidence of having held such a license in 14073
content and manner approved by the chief, a certificate of 14074
completion issued upon completion of a hunter education and 14075
conservation course approved by the chief, or evidence of 14076
equivalent training in content and manner approved by the chief. 14077

No person shall issue a hunting license to any person who 14078

fails to present the evidence required by this section. No person 14079
shall purchase or obtain a hunting license without presenting to 14080
the issuing agent the evidence required by this section. Issuance 14081
of a hunting license in violation of the requirements of this 14082
section is an offense by both the purchaser of the illegally 14083
obtained hunting license and the clerk or agent who issued the 14084
hunting license. Any hunting license issued in violation of this 14085
section is void. 14086

The chief, with approval of the wildlife council, shall adopt 14087
rules prescribing a hunter education and conservation course for 14088
first-time hunting license buyers and for volunteer instructors. 14089
The course shall consist of subjects including, but not limited 14090
to, hunter safety and health, use of hunting implements, hunting 14091
tradition and ethics, the hunter and conservation, the law in 14092
section 1533.17 of the Revised Code along with the penalty for its 14093
violation, including a description of terms of imprisonment and 14094
fines that may be imposed, and other law relating to hunting. 14095
Authorized personnel of the division or volunteer instructors 14096
approved by the chief shall conduct such courses with such 14097
frequency and at such locations throughout the state as to 14098
reasonably meet the needs of license applicants. The chief shall 14099
issue a certificate of completion to each person who successfully 14100
completes the course and passes an examination prescribed by the 14101
chief. 14102

Sec. 1533.101. Any person who has been issued a hunting or 14103
fishing license, a wetlands habitat stamp, a deer or wild turkey 14104
permit, or a fur taker permit for the current license, stamp, or 14105
permit year or for the license, stamp, or permit year next 14106
preceding the current such year pursuant to this chapter, and if 14107
the license, stamp, or permit has been lost, destroyed, or stolen, 14108
may be issued a reissued hunting or fishing license, wetlands 14109
habitat stamp, deer or wild turkey permit, or fur taker permit. 14110

The person shall file with the clerk of the court of common pleas 14111
an application in affidavit form or, if the chief of the division 14112
of wildlife authorizes it, apply for a reissued license, stamp, or 14113
permit to an authorized agent designated by the chief, and pay a 14114
fee for each license, stamp, or permit of ~~two~~ four dollars ~~plus~~ 14115
~~one dollar to the clerk or agent, who shall issue a reissued~~ 14116
~~license, stamp, or permit that shall allow the applicant to hunt,~~ 14117
~~fish, or trap, as the case may be.~~ The clerk or agent shall 14118
administer the oath to the applicant, issue a reissued license, 14119
stamp, or permit that shall allow the applicant to hunt, fish, or 14120
trap, as applicable, and ~~shall~~ send a copy of the reissued 14121
license, stamp, or permit to the division of wildlife. 14122

All moneys received as fees for the issuance of reissued 14123
licenses, stamps, or permits shall be transmitted to the director 14124
of natural resources to be paid into the state treasury to the 14125
credit of the funds to which the fees for the original licenses, 14126
stamps, and permits were credited. 14127

No person shall knowingly or willfully secure, attempt to 14128
secure, or use a reissued hunting or fishing license, wetlands 14129
habitat stamp, deer or wild turkey permit, or fur taker permit to 14130
which the person is not entitled. No person shall knowingly or 14131
willfully issue a reissued hunting or fishing license, wetlands 14132
habitat stamp, deer or wild turkey permit, or fur taker permit 14133
under this section to any person who is not entitled to receive 14134
and use such a reissued license, stamp, or permit. 14135

Sec. 1533.11. (A) Except as provided in this section, no 14136
person shall hunt deer on lands of another without first obtaining 14137
an annual special deer permit. Except as provided in this section, 14138
no person shall hunt wild turkeys on lands of another without 14139
first obtaining an annual special wild turkey permit. Each 14140
applicant for a special deer or wild turkey permit shall pay an 14141

annual fee of ~~nineteen~~ twenty-three dollars for each permit, 14142
~~together with one dollar as a fee to the clerk or other issuing~~ 14143
~~agent, for the permit~~ unless the rules adopted under division (B) 14144
of section 1533.12 of the Revised Code provide for issuance of a 14145
deer or wild turkey permit to the applicant free of charge. Except 14146
as provided in rules adopted under division (B)(2) of that 14147
section, each applicant who is a resident of this state and who at 14148
the time of application is sixty-six years of age or older shall 14149
procure a special senior deer or wild turkey permit, the fee for 14150
which shall be one-half of the regular special deer or wild turkey 14151
permit fee. Each applicant who is under the age of sixteen years 14152
shall procure a special youth deer or wild turkey permit, the fee 14153
for which shall be one-half of the regular special deer or wild 14154
turkey permit fee. Except as provided in division (A) of section 14155
1533.12 of the Revised Code, a deer or wild turkey permit shall 14156
run concurrently with the hunting license. The money received, 14157
~~other than the one dollar fee provided for above,~~ shall be paid 14158
into the state treasury to the credit of the wildlife fund, 14159
created in section 1531.17 of the Revised Code, exclusively for 14160
the use of the division of wildlife in the acquisition and 14161
development of land for deer or wild turkey management, for 14162
investigating deer or wild turkey problems, and for the stocking, 14163
management, and protection of deer or wild turkey. Every person, 14164
while hunting deer or wild turkey on lands of another, shall carry 14165
the person's special deer or wild turkey permit and exhibit it to 14166
any enforcement officer so requesting. Failure to so carry and 14167
exhibit such a permit constitutes an offense under this section. 14168
The chief of the division of wildlife shall adopt any additional 14169
rules the chief considers necessary to carry out this section and 14170
section 1533.10 of the Revised Code. 14171

The owner and the children of the owner of lands in this 14172
state may hunt deer or wild turkey thereon without a special deer 14173
or wild turkey permit. The tenant ~~or manager~~ and children of the 14174

tenant ~~or manager~~ may hunt deer or wild turkey on lands where they 14175
reside without a special deer or wild turkey permit. 14176

(B) A special deer or wild turkey permit is not transferable. 14177
No person shall carry a special deer or wild turkey permit issued 14178
in the name of another person. 14179

(C) The wildlife refunds fund is hereby created in the state 14180
treasury. The fund shall consist of money received from 14181
application fees for special deer permits that are not issued. 14182
Money in the fund shall be used to make refunds of such 14183
application fees. 14184

Sec. 1533.111. Except as provided in this section or division 14185
(A) of section 1533.12 of the Revised Code, no person shall hunt 14186
or trap fur-bearing animals on land of another without first 14187
obtaining an annual fur taker permit. Each applicant for a fur 14188
taker permit shall pay an annual fee of ~~ten~~ fourteen dollars, 14189
~~together with one dollar as a fee to the clerk or other issuing~~ 14190
~~agent,~~ for the permit, except as otherwise provided in this 14191
section or unless the rules adopted under division (B) of section 14192
1533.12 of the Revised Code provide for issuance of a fur taker 14193
permit to the applicant free of charge. Except as provided in 14194
rules adopted under division (B)(2) of that section, each 14195
applicant who is a resident of this state and who at the time of 14196
application is sixty-six years of age or older shall procure a 14197
special senior fur taker permit, the fee for which shall be 14198
one-half of the regular fur taker permit fee. Each applicant who 14199
is a resident of the state and under the age of sixteen years 14200
shall procure a special youth fur taker permit, the fee for which 14201
shall be one-half of the regular fur taker permit fee ~~and which~~ 14202
~~shall be paid together with one dollar as a fee to the clerk or~~ 14203
~~other issuing agent.~~ The fur taker permit shall run concurrently 14204
with the hunting license. The money received, ~~other than the one~~ 14205

~~dollar fee provided for in this section,~~ shall be paid into the 14206
state treasury to the credit of the fund established in section 14207
1533.15 of the Revised Code. 14208

No fur taker permit shall be issued unless it is accompanied 14209
by a written explanation of the law in section 1533.17 of the 14210
Revised Code and the penalty for its violation, including a 14211
description of terms of imprisonment and fines that may be 14212
imposed. 14213

No fur taker permit shall be issued unless the applicant 14214
presents to the agent authorized to issue a fur taker permit a 14215
previously held hunting license or trapping or fur taker permit or 14216
evidence of having held such a license or permit in content and 14217
manner approved by the chief of the division of wildlife, a 14218
certificate of completion issued upon completion of a trapper 14219
education course approved by the chief, or evidence of equivalent 14220
training in content and manner approved by the chief. 14221

No person shall issue a fur taker permit to any person who 14222
fails to present the evidence required by this section. No person 14223
shall purchase or obtain a fur taker permit without presenting to 14224
the issuing agent the evidence required by this section. Issuance 14225
of a fur taker permit in violation of the requirements of this 14226
section is an offense by both the purchaser of the illegally 14227
obtained permit and the clerk or agent who issued the permit. Any 14228
fur taker permit issued in violation of this section is void. 14229

The chief, with approval of the wildlife council, shall adopt 14230
rules prescribing a trapper education course for first-time fur 14231
taker permit buyers and for volunteer instructors. The course 14232
shall consist of subjects that include, but are not limited to, 14233
trapping techniques, animal habits and identification, trapping 14234
tradition and ethics, the trapper and conservation, the law in 14235
section 1533.17 of the Revised Code along with the penalty for its 14236
violation, including a description of terms of imprisonment and 14237

finer that may be imposed, and other law relating to trapping. 14238
Authorized personnel of the division of wildlife or volunteer 14239
instructors approved by the chief shall conduct the courses with 14240
such frequency and at such locations throughout the state as to 14241
reasonably meet the needs of permit applicants. The chief shall 14242
issue a certificate of completion to each person who successfully 14243
completes the course and passes an examination prescribed by the 14244
chief. 14245

Every person, while hunting or trapping fur-bearing animals 14246
on lands of another, shall carry the person's fur taker permit 14247
affixed to the person's hunting license with the person's 14248
signature written across the face of the permit. Failure to carry 14249
such a signed permit constitutes an offense under this section. 14250
The chief shall adopt any additional rules the chief considers 14251
necessary to carry out this section. 14252

The owner and the children of the owner of lands in this 14253
state may hunt or trap fur-bearing animals thereon without a fur 14254
taker permit. The tenant ~~or manager~~ and children of the tenant ~~or~~ 14255
~~manager~~ may hunt or trap fur-bearing animals on lands where they 14256
reside without a fur taker permit. 14257

A fur taker permit is not transferable. No person shall carry 14258
a fur taker permit issued in the name of another person. 14259

A fur taker permit entitles a nonresident to take from this 14260
state fur-bearing animals taken and possessed by the nonresident 14261
as provided by law or division rule. 14262

Sec. 1533.112. Except as provided in this section or unless 14263
otherwise provided by division rule, no person shall hunt ducks, 14264
geese, or brant on the lands of another without first obtaining an 14265
annual wetlands habitat stamp. The annual fee for the wetlands 14266
habitat stamp shall be ~~ten~~ fourteen dollars for each stamp, 14267
~~together with one dollar as a fee to the clerk or other issuing~~ 14268

~~agent,~~ unless the rules adopted under division (B) of section 14269
1533.12 provide for issuance of a wetlands habitat stamp to the 14270
applicant free of charge. 14271

Moneys received from the stamp fee, ~~other than the one-~~ 14272
~~dollar clerk's fee,~~ shall be paid into the state treasury to the 14273
credit of the wetlands habitat fund, which is hereby established. 14274
Moneys shall be paid from the fund on the order of the director of 14275
natural resources for the following purposes: 14276

(A) Sixty per cent for projects that the division approves 14277
for the acquisition, development, management, or preservation of 14278
waterfowl areas within the state; 14279

(B) Forty per cent for contribution by the division to an 14280
appropriate nonprofit organization for the acquisition, 14281
development, management, or preservation of lands and waters 14282
within the United States or Canada that provide or will provide 14283
habitat for waterfowl with migration routes that cross this state. 14284

No moneys derived from the issuance of wetlands habitat 14285
stamps shall be spent for purposes other than those specified by 14286
this section. All investment earnings of the fund shall be 14287
credited to the fund. 14288

Wetlands habitat stamps shall be furnished by and in a form 14289
prescribed by the chief of the division of wildlife and issued by 14290
clerks and other agents authorized to issue licenses and permits 14291
under section 1533.13 of the Revised Code. The record of stamps 14292
kept by the clerks and other agents shall be uniform throughout 14293
the state, in such form or manner as the director prescribes, and 14294
open at all reasonable hours to the inspection of any person. 14295
Unless otherwise provided by rule, each stamp shall remain in 14296
force until midnight of the thirty-first day of August next 14297
ensuing. Wetlands habitat stamps may be issued in any manner to 14298
any person on any date, whether or not that date is within the 14299

period in which they are effective. 14300

Every person to whom this section applies, while hunting 14301
ducks, geese, or brant, shall carry an unexpired wetlands habitat 14302
stamp that is validated by the person's signature written on the 14303
stamp in ink and shall exhibit the stamp to any enforcement 14304
officer so requesting. No person shall fail to carry and exhibit 14305
the person's stamp. 14306

A wetlands habitat stamp is not transferable. 14307

The chief shall establish a procedure to obtain subject 14308
matter to be printed on the wetlands habitat stamp and shall use, 14309
dispose of, or distribute the subject matter as the chief 14310
considers necessary. The chief also shall adopt rules necessary to 14311
administer this section. 14312

This section does not apply to persons under sixteen years of 14313
age nor to persons exempted from procuring a hunting license under 14314
section 1533.10 or division (A) of section 1533.12 of the Revised 14315
Code. 14316

Sec. 1533.12. (A) Every person on active duty in the armed 14317
forces of the United States, while on leave or furlough, may take 14318
or catch fish of the kind lawfully permitted to be taken or caught 14319
within the state, may hunt any wild bird or wild quadruped 14320
lawfully permitted to be hunted within the state, and may trap 14321
fur-bearing animals lawfully permitted to be trapped within the 14322
state, without procuring a fishing license, a hunting license, a 14323
fur taker permit, or a wetlands habitat stamp required by this 14324
chapter, provided that the person shall carry on ~~self~~ the person 14325
when fishing, hunting, or trapping, a card or other evidence 14326
identifying the person as being on active duty in the armed forces 14327
of the United States, and provided that the person is not 14328
otherwise violating any of the hunting, fishing, and trapping laws 14329
of this state. 14330

In order to hunt deer or wild turkey, any such person shall 14331
obtain a special deer or wild turkey permit, as applicable, under 14332
section 1533.11 of the Revised Code. However, the person need not 14333
obtain a hunting license in order to obtain such a permit. 14334

(B) The chief of the division of wildlife shall provide by 14335
rule adopted under section 1531.10 of the Revised Code all of the 14336
following: 14337

(1) Every resident of this state with a disability that has 14338
been determined by the veterans administration to be permanently 14339
and totally disabling, who receives a pension or compensation from 14340
the veterans administration, and who received an honorable 14341
discharge from the armed forces of the United States, and every 14342
veteran to whom the registrar of motor vehicles has issued a set 14343
of license plates under section 4503.41 of the Revised Code, shall 14344
be issued an annual fishing license, hunting license, fur taker 14345
permit, deer or wild turkey permit, or wetlands habitat stamp, or 14346
any combination of those licenses, permits, and stamp, free of 14347
charge when application is made to the chief in the manner 14348
prescribed by and on forms provided by the chief. 14349

(2) Every resident of the state who ~~is sixty six years of age~~ 14350
~~or older~~ was born on or before December 31, 1937, shall be issued 14351
an annual fishing license, hunting license, fur taker permit, deer 14352
or wild turkey permit, or wetlands habitat stamp, or any 14353
combination of those licenses, permits, and stamp, free of charge 14354
when application is made to the chief in the manner prescribed by 14355
and on forms provided by the chief. 14356

(3) Every resident of state or county institutions, 14357
charitable institutions, and military homes in this state shall be 14358
issued an annual fishing license free of charge when application 14359
is made to the chief in the manner prescribed by and on forms 14360
provided by the chief. 14361

(4) Any mobility impaired or blind person, as defined in section 955.011 of the Revised Code, who is a resident of this state and who is unable to engage in fishing without the assistance of another person shall be issued an annual fishing license free of charge when application is made to the chief in the manner prescribed by and on forms provided by the chief. The person who is assisting the mobility impaired or blind person may assist in taking or catching fish of the kind permitted to be taken or caught without procuring the license required under section 1533.32 of the Revised Code, provided that only one line is used by both persons.

(5) As used in division (B)(5) of this section, "prisoner of war" means any regularly appointed, enrolled, enlisted, or inducted member of the military forces of the United States who was captured, separated, and incarcerated by an enemy of the United States.

Any person who has been a prisoner of war, was honorably discharged from the military forces, and is a resident of this state shall be issued an annual fishing license, hunting license, fur taker permit, or wetlands habitat stamp, or any combination of those licenses, permits, and stamp, free of charge when application is made to the chief in the manner prescribed by and on forms provided by the chief.

(C) The chief shall adopt rules pursuant to section 1531.08 of the Revised Code designating not more than two days, which need not be consecutive, in each year as "free sport fishing days" on which any resident may exercise the privileges accorded the holder of a fishing license issued under section 1533.32 of the Revised Code without procuring such a license, provided that the person is not otherwise violating any of the fishing laws of this state.

Sec. 1533.13. Hunting and fishing licenses, wetlands habitat

stamps, deer and wild turkey permits, ~~and fur taker permits shall,~~ 14393
and any other licenses, permits, or stamps that are required under 14394
this chapter or Chapter 1531. of the Revised Code and any reissued 14395
license, permit, or stamp may be issued by the clerk of the court 14396
of common pleas, village and township clerks, and other authorized 14397
agents designated by the chief of the division of wildlife. When 14398
required by the chief, a clerk or agent shall give bond in the 14399
manner provided by the chief. All bonds, reports, except records 14400
prescribed by the auditor of state, and moneys received by those 14401
persons shall be handled under rules adopted by the director of 14402
natural resources. 14403

The premium of any bond prescribed by the chief under this 14404
section may be paid by the chief. Any person who is designated and 14405
authorized by the chief to issue licenses, stamps, and permits as 14406
provided in this section, except the clerk of the court of common 14407
pleas and the village and township clerks, shall pay to the chief 14408
a premium in an amount that represents the person's portion of the 14409
premium paid by the chief under this section, which amount shall 14410
be established by the chief and approved by the wildlife council 14411
created under section 1531.03 of the Revised Code. The chief shall 14412
pay all moneys that the chief receives as premiums under this 14413
section into the state treasury to the credit of the wildlife fund 14414
created under section 1531.17 of the Revised Code. 14415

Every authorized agent, for the purpose of issuing hunting 14416
and fishing licenses, wetlands habitat stamps, deer and wild 14417
turkey permits, and fur taker permits, may administer oaths to and 14418
take affidavits from applicants for the licenses, stamps, or 14419
permits when required. An authorized agent may appoint deputies to 14420
perform any acts that the agent is authorized to perform, 14421
consistent with division rules. 14422

Every applicant for a hunting or fishing license, wetlands 14423
habitat stamp, deer or wild turkey permit, or fur taker permit, 14424

unless otherwise provided by division rule, shall ~~make and~~ 14425
~~subscribe an affidavit setting forth~~ provide the applicant's name, 14426
~~age~~ date of birth, weight, height, ~~occupation~~, place of residence, 14427
~~personal description~~, and ~~citizenship~~ any other information that 14428
the chief may require. The clerk or other agent authorized to 14429
issue licenses, stamps, and permits shall charge each applicant a 14430
fee of one dollar for taking the ~~affidavit~~ information provided by 14431
the applicant and issuing the license, stamp, or permit. The 14432
application, license, stamp, permit, and other blanks required by 14433
this section shall be prepared and furnished by the chief, in such 14434
form as the chief provides, to the clerk or other agent authorized 14435
to issue them. The licenses and permits shall be issued to 14436
applicants by the clerk or other agent. The record of licenses and 14437
permits kept by the clerk and other authorized agents shall be 14438
uniform throughout the state and in such form or manner as the 14439
auditor of state prescribes and shall be open at all reasonable 14440
hours to the inspection of any person. Unless otherwise provided 14441
by division rule, each hunting license, deer or wild turkey 14442
permit, and fur taker permit issued shall remain in force until 14443
midnight of the thirty-first day of August next ensuing. 14444
Application for any such license or permit may be made and a 14445
license or permit issued prior to the date upon which it becomes 14446
effective. 14447

The chief may require an applicant who wishes to purchase a 14448
license, stamp, or permit by mail or telephone or via the internet 14449
to pay a nominal fee for postage and handling and credit card 14450
transactions. 14451

The court before whom a violator of any laws or division 14452
rules for the protection of wild animals is tried, as a part of 14453
the punishment, shall revoke the license, stamp, or permit of any 14454
person convicted. The license, stamp, or permit fee paid by that 14455
person shall not be returned to the person. The person shall not 14456

procure or use any other license, stamp, or permit or engage in 14457
hunting wild animals or trapping fur-bearing animals during the 14458
period of revocation as ordered by the court. 14459

No person under sixteen years of age shall engage in hunting 14460
unless accompanied by the person's parent or another adult person. 14461

Sec. 1533.151. The chief of the division of wildlife, with 14462
the approval of the director of natural resources, ~~is hereby~~ 14463
~~authorized to~~ may print and issue stamps portraying wild animals 14464
of the state. This stamp shall be identified as a wildlife 14465
conservation stamp ~~and the~~. The fee for each stamp shall be ~~five~~ 14466
~~dollars not more than the fee for a wetlands habitat stamp issued~~ 14467
under section 1533.112 of the Revised Code. 14468

The purchase of wildlife conservation stamps shall provide no 14469
privileges to the purchaser, but merely recognizes ~~such~~ the person 14470
as voluntarily contributing to the management, protection, and the 14471
perpetuation of the wildlife resources of the state. All moneys 14472
received from the sale of wildlife conservation stamps shall be 14473
paid into the state treasury to the credit of the nongame and 14474
endangered wildlife fund to be used exclusively by the division of 14475
wildlife for the purposes outlined in section ~~1533.15~~ 1531.26 of 14476
the Revised Code ~~and for the management of all forms of wildlife~~ 14477
~~for its ecological and non-consumptive recreational value.~~ 14478

Sec. 1533.19. Except as otherwise provided by division rule, 14479
recognized field trial clubs may shoot domestically raised quails, 14480
chukar partridges, ducks, pheasants, or other game birds and 14481
common pigeons at any time during the daylight hours from the 14482
first day of September to the thirtieth day of April of the 14483
following year, both dates inclusive. Such domestically raised 14484
quails, chukar partridges, ducks, pheasants, and other game birds 14485
shall be banded prior to release and approved by the division of 14486

wildlife for field trial use, provided that permission for the 14487
holding of such a trial shall be obtained from the division. 14488
Permission shall be requested in writing at least thirty days in 14489
advance of the trial. The request shall contain the name of the 14490
recognized field trial club and the names of its officers, the 14491
date and location of the trial, and the name of the licensed 14492
breeders from whom the quails, chukar partridges, ducks, 14493
pheasants, or other game birds will be obtained. The division may 14494
grant a written permit when it is satisfied that the trial is a 14495
bona fide one conducted by a bona fide club under this section. 14496
When an application is approved, a permit shall be issued after 14497
the payment of a fee of ~~twenty-five~~ fifty dollars for each day 14498
upon which the trials are conducted. Participants in such trials 14499
need not possess a hunter's license while participating in the 14500
trials. The division shall supervise all such trials and shall 14501
enforce all laws and division rules governing them. If unbanded 14502
quails, chukar partridges, ducks, pheasants, or other game birds 14503
are accidentally shot during such trials, they immediately shall 14504
be replaced by the club by the releasing of an equal number of 14505
live quails, chukar partridges, ducks, pheasants, or other game 14506
birds under the supervision of the division. 14507

Sec. 1533.23. No person shall deal in or buy green or dried 14508
furs, skins, or parts thereof, taken from fur-bearing animals of 14509
the state, except domesticated rabbits, without a fur dealer's 14510
permit. Every applicant for a fur dealer's permit shall make and 14511
subscribe a statement setting forth ~~his~~ the applicant's name, 14512
place of residence, and whom ~~he~~ the applicant represents. Every 14513
applicant for a dealer's permit who is a nonresident of the state, 14514
or who is a resident of the state and is an agent or 14515
representative of a nonresident person, firm, or corporation, 14516
shall pay an annual fee of two hundred dollars to the chief of the 14517
division of wildlife issuing such permit, and every applicant for 14518

a dealer's permit who is a resident of the state shall pay an 14519
annual fee of ~~fifty~~ seventy-five dollars to the chief ~~of the~~ 14520
~~division of wildlife~~ issuing such permit, ~~and every.~~ Every fur 14521
dealer shall operate under such additional ~~regulations~~ rules as 14522
are provided by the chief ~~of the division of wildlife~~. The chief 14523
shall pay ~~such~~ the fees into the state treasury to the credit of 14524
the fund created by section 1533.15 of the Revised Code for the 14525
use of the division of wildlife in the purchase, preservation, 14526
protection, and stocking of fur-bearing animals and for the 14527
necessary clerical help and forms required by this section and 14528
section 1533.24 of the Revised Code. 14529

All permits shall be procured from the chief and the 14530
application, license, and other blanks required by this section 14531
and section 1533.24 of the Revised Code shall be in such form as 14532
the chief prescribes. Each such permit shall expire on the 14533
thirtieth day of April next after its issuance. 14534

Sec. 1533.301. Any person may apply for a permit to transport 14535
fish that are for sale, sold, or purchased. The chief of the 14536
division of wildlife shall issue an annual permit granting the 14537
applicant the privilege to transport such fish, upon filing of an 14538
application on a form prescribed by the chief and payment of a fee 14539
of ~~fifty~~ sixty-five dollars. No person shall transport any fish or 14540
part thereof that is for sale, sold, or purchased, whether 14541
acquired in or outside this state, unless the consignor has a 14542
permit ~~issued to him~~ for the calendar year in which the fish is 14543
transported, except that no such permit is required for any of the 14544
following: 14545

(A) Fish transported from a point outside this state to 14546
another point outside this state if the fish are not unloaded in 14547
this state. A fish is not to be considered unloaded for purposes 14548
of this section if it remains under the control of a common 14549

carrier. 14550

(B) Fish being transported by a person holding a valid 14551
license under section 1533.34 of the Revised Code from the place 14552
of taking to ~~his~~ the person's usual place of processing or 14553
temporary storage as designated by ~~him~~ the person in the 14554
application for the license under that section; 14555

(C) Fish being transported from a premises designated in a 14556
valid permit issued under section 1533.631 of the Revised Code to 14557
a premises where fish are to be sold at retail, sold for immediate 14558
consumption, or consumed if inspection of the designated premises 14559
as required by that section has not been denied during the 14560
preceding thirty days; 14561

(D) Any quantity of fish the total weight of which does not 14562
exceed five hundred pounds in one vehicle; 14563

(E) Minnows for which a permit is required under section 14564
1533.40 of the Revised Code. 14565

If a fish for which a permit is required under this section 14566
is transported in this state from a consignor who does not have a 14567
valid permit at the time of transportation, or if such a fish is 14568
transported in this state from a consignor who has a valid permit 14569
at the time of transportation, but the fish is part of the 14570
contents of a box, package, or receptacle that was or could be the 14571
basis for conviction of a violation of this chapter or a division 14572
rule, the fish may be seized by any law enforcement officer 14573
authorized by section 1531.13 of the Revised Code to enforce laws 14574
and division rules, and the fish shall escheat to the state unless 14575
a court of this state makes a specific finding that the consignor 14576
at the time of seizure had a valid permit under this section 14577
~~1533.301 of the Revised Code~~ and that the fish are lawful under 14578
the requirements of this chapter or a division rule relating 14579
thereto. 14580

A fish for which a permit is required under this section may 14581
be transported only if each box, package, or other receptacle 14582
bears a label showing the total weight in pounds, the species of 14583
the fish, the name of the consignor and consignee, the initial 14584
point of billing, the destination, and a statement that each 14585
species of fish by weight in the box, package, or other receptacle 14586
that are undersized under ~~the provisions of~~ section 1533.63 of the 14587
Revised Code or division rule is ten per cent or less or is in 14588
excess of ten per cent, whichever the fact may be. If fish are not 14589
boxed or packaged, each compartment of a tank or other receptacle 14590
shall be considered a separate receptacle, but in lieu of a label 14591
on the compartment or tank a written statement containing the same 14592
information required to be contained on a label, and clearly 14593
identifying the tank or receptacle concerned, may be carried in 14594
the vehicle. Species may be designated in any manner, but the 14595
label also shall bear either the common name indicated in section 14596
1533.63 of the Revised Code or the scientific name contained in 14597
section 1531.01 of the Revised Code. The consignor shall ascertain 14598
that labels are attached or statements carried as required herein 14599
and that the facts stated thereon are true. 14600

The permit required by this section may be suspended by the 14601
chief for a period not to exceed five days upon conviction of the 14602
permittee of a violation of this chapter or Chapter 1531. of the 14603
Revised Code or a division rule if the permittee has been 14604
convicted of another such violation during the preceding 14605
twelve-month period. If the permittee has had two or more such 14606
convictions during the twelve-month period preceding such a 14607
conviction, ~~his~~ the permittee's permit may be suspended as 14608
provided herein for a period not to exceed twenty days. A permit 14609
is invalid during the period of suspension, but in no case is a 14610
permit invalid until fifteen days after mailing by certified mail 14611
a notice of the rule of suspension by the chief. 14612

The chief may not suspend more than one permit of the same 14613
permittee, or suspend a permit of the same permittee more than 14614
once, for convictions resulting from violations that occur in a 14615
load in one vehicle. 14616

A driver or other person in charge of a vehicle transporting 14617
fish that are for sale, sold, or purchased, upon demand by any law 14618
enforcement officer authorized by section 1531.13 of the Revised 14619
Code to enforce laws and division rules, shall stop and open the 14620
vehicle and allow inspection of the load, and any box, package, or 14621
receptacle, and the contents thereof, for the purpose of 14622
determining whether this chapter or a division rule is being 14623
violated. 14624

The word "fish" in the English language, at least eight 14625
inches high and maintained in a clear, conspicuous, and legible 14626
condition at all times, shall appear on both sides of the vehicle 14627
body of all vehicles transporting fresh water fish in this state 14628
when the fish are for sale or sold, except those fish exempt from 14629
a transportation permit in divisions (A), (B), and (E) of this 14630
section. 14631

The chief may refuse to issue a permit to any person whose 14632
purpose in applying for the permit is to allow it to be used by 14633
another person to whom a permit has been refused or revoked. The 14634
chief also may revoke a person's permit when it is used for that 14635
purpose. 14636

No civil action may be brought in any court in the state for 14637
the value or agreed price of fish that have escheated to the state 14638
under this section. 14639

No person shall fail to comply with any provision of this 14640
section or a division rule adopted pursuant thereto. 14641

In addition to other penalties provided in the Revised Code, 14642
the permit of any person who is convicted of two violations of 14643

this section that occurred within a twelve-month period is 14644
suspended upon the second such conviction by operation of law for 14645
a period of five fishing season days immediately following that 14646
conviction. 14647

In addition to other penalties provided in the Revised Code, 14648
the permit of any person who is convicted of three or more 14649
violations of this section that occurred within a twelve-month 14650
period is suspended upon the third or subsequent conviction by 14651
operation of law for a period of twenty fishing season days 14652
immediately following that conviction. 14653

During any period of suspension, no person shall use or 14654
engage in hauling or transporting fish with equipment owned, used, 14655
or controlled at the time of conviction by the permittee whose 14656
permit has been suspended. 14657

Sec. 1533.32. Except as provided in this section or division 14658
(A) or (C) of section 1533.12 of the Revised Code, no person, 14659
including nonresidents, shall take or catch any fish by angling in 14660
any of the waters in the state or engage in fishing in those 14661
waters without a license. No person shall take or catch frogs or 14662
turtles without a valid fishing license, except as provided in 14663
this section. Persons fishing in privately owned ponds, lakes, or 14664
reservoirs to or from which fish are not accustomed to migrate are 14665
exempt from the license requirements set forth in this section. 14666
Persons fishing in privately owned ponds, lakes, or reservoirs 14667
that are open to public fishing through an agreement or lease with 14668
the division of wildlife shall comply with the license 14669
requirements set forth in this section. 14670

The fee for an annual license shall be ~~twenty-three~~ 14671
thirty-nine dollars for a resident of a state that is not a party 14672
to an agreement under section 1533.91 of the Revised Code. The fee 14673
for an annual license shall be ~~fourteen~~ eighteen dollars for a 14674

resident of a state that is a party to such an agreement. The fee 14675
for an annual license for residents of this state shall be 14676
~~fourteen~~ eighteen dollars unless the rules adopted under division 14677
(B) of section 1533.12 of the Revised Code provide for issuance of 14678
a resident fishing license to the applicant free of charge. Except 14679
as provided in rules adopted under division (B)(2) of that 14680
section, each applicant who is a resident of this state and who at 14681
the time of application is sixty-six years of age or older shall 14682
procure a special senior fishing license, the fee for which shall 14683
be one-half of the annual resident fishing license fee. 14684

Any person under the age of sixteen years may take or catch 14685
frogs and turtles and take or catch fish by angling without a 14686
license. ~~Any resident of this state sixty-six years of age or~~ 14687
~~older may take or catch frogs and turtles without a license.~~ 14688

The chief of the division of wildlife may issue a tourist's 14689
license expiring three days from the effective date of the license 14690
to a resident of a state that is not a party to an agreement under 14691
section 1533.91 of the Revised Code. The fee for a tourist's 14692
license shall be ~~fourteen~~ eighteen dollars. 14693

The chief shall adopt rules under section 1531.10 of the 14694
Revised Code providing for the issuance of a one-day fishing 14695
license to a resident of this state or of any other state. The fee 14696
for such a license shall be ~~forty~~ fifty-five per cent of the 14697
amount established under this section for a tourist's license, 14698
rounded up to the nearest whole dollar. A one-day fishing license 14699
shall allow the holder to take or catch fish by angling in the 14700
waters in the state, engage in fishing in those waters, or take or 14701
catch frogs or turtles in those waters for one day without 14702
obtaining an annual license or a tourist's license under this 14703
section. At the request of a holder of a one-day fishing license 14704
who wishes to obtain an annual license, a clerk or agent 14705
authorized to issue licenses under section 1533.13 of the Revised 14706

Code, not later than the last day on which the one-day license 14707
would be valid if it were an annual license, shall credit the 14708
amount of the fee paid for the one-day license toward the fee 14709
charged for the annual license if so authorized by the chief. The 14710
clerk or agent shall issue the annual license upon presentation of 14711
the one-day license and payment of a fee in an amount equal to the 14712
difference between the fee for the annual license and the fee for 14713
the one-day license. 14714

~~A fee of one dollar for each license issued under this 14715~~
~~section shall be paid to the issuing clerk or agent in accordance 14716~~
~~with section 1533.13 of the Revised Code. 14717~~

Unless otherwise provided by division rule, each annual 14718
license shall begin on the first day of March of the current year 14719
and expire on the last day of February of the following year. 14720

No person shall alter a fishing license or possess a fishing 14721
license that has been altered. 14722

No person shall procure or attempt to procure a fishing 14723
license by fraud, deceit, misrepresentation, or any false 14724
statement. 14725

Owners of land over, through, upon, or along which any water 14726
flows or stands, except where the land is in or borders on state 14727
parks or state-owned lakes, together with the members of the 14728
immediate families of such owners, may take frogs and turtles and 14729
may take or catch fish of the kind permitted to be taken or caught 14730
therefrom without procuring a license provided for in this 14731
section. This exemption extends to tenants actually residing upon 14732
such lands and to the members of the immediate families of the 14733
tenants. Residents of state or county institutions, charitable 14734
institutions, and military homes in this state may take frogs and 14735
turtles without procuring the required license, provided that a 14736
member of the institution or home has an identification card, 14737

which shall be carried on that person when fishing. 14738

Every fisher required to be licensed, while fishing or taking 14739
or attempting to take frogs or turtles, shall carry the license 14740
and exhibit it to any person. Failure to so carry and exhibit the 14741
license constitutes an offense under this section. 14742

Sec. 1533.35. (A) Commercial fishing devices shall be 14743
annually licensed as follows: 14744

(1) Trap and fyke nets, for the first twenty nets or any 14745
portion thereof, eight hundred dollars; and for each additional 14746
group of ten such nets or any portion thereof, four hundred 14747
dollars; 14748

(2) For each seine of one hundred fifty rods or less in 14749
length other than an inland fishing district seine, four hundred 14750
dollars; 14751

(3) For each seine over one hundred fifty rods in length 14752
other than an inland fishing district seine, six hundred dollars; 14753

(4) For each inland fishing district seine, one hundred 14754
dollars; 14755

(5) For each carp apron, one hundred dollars; 14756

(6) For one trotline with seventy hooks or less attached 14757
thereto, twenty dollars; 14758

(7) For each trotline, or trotlines, with a total of more 14759
than seventy hooks attached thereto, one hundred dollars; 14760

(8) For each dip net, one hundred dollars. 14761

The license fee for other commercial fishing gear not 14762
mentioned in this section, as approved by the chief of the 14763
division of wildlife, shall be set by the chief with approval of 14764
the wildlife council. 14765

Commercial fishing gear owned or used by a nonresident may be 14766

licensed in this state only if a reciprocal agreement is in effect 14767
as provided for in section 1533.352 of the Revised Code. 14768

All commercial license fees shall be paid upon application or 14769
shall be paid one-fourth upon application with the balance due and 14770
owing within ninety days of the date of application, except that 14771
those license fees of one hundred dollars or less shall be paid in 14772
full at the time of application. 14773

(B) Royalty fees are hereby established ~~as set forth~~ on the 14774
following species of fish when taken commercially: catfish, white 14775
bass, and yellow perch. 14776

The amount of the royalty fees shall be as follows: on the 14777
species taken for which an allowable catch or quota has been 14778
established by division rule, ~~two~~ five cents per pound. On the 14779
species taken for which an allowable catch or quota has not been 14780
established by division rule, ~~one cent~~ two cents per pound ~~on that~~ 14781
~~portion taken that exceeds one half of the previous year's taking~~ 14782
~~of the species.~~ 14783

~~For the purpose of this section, the previous year's taking~~ 14784
~~shall be the amount reported for that previous year by the license~~ 14785
~~holder to the division pursuant to reporting procedures set forth~~ 14786
~~in this chapter and Chapter 1531. of the Revised Code.~~ 14787

All royalty fees established or provided for in this section 14788
shall be paid by the license holder to the division. No person may 14789
be issued a commercial fishing license until all royalty fees due 14790
from that person for the preceding fishing season have been paid 14791
in full. The chief may request the attorney general to recover any 14792
royalty fee or amount thereof that is not paid by the opening date 14793
of the next fishing season, and the attorney general shall 14794
commence appropriate legal proceedings to recover the unpaid fee 14795
or amount. 14796

All commercial fishing license moneys and all other fees 14797

collected from commercial ~~fishermen~~ fishers shall be deposited in 14798
the state treasury in accordance with section 1533.33 of the 14799
Revised Code. 14800

No person shall fail to comply with any provision of this 14801
section or a division rule adopted pursuant to it. 14802

In addition to other penalties provided in the Revised Code, 14803
the license of any person who is convicted of one or more 14804
violations of this section shall be suspended upon the conviction 14805
by operation of law for a period of eighteen fishing season months 14806
immediately following the conviction. 14807

During any period of suspension, no person shall use or 14808
engage in fishing with commercial gear owned, used, or controlled 14809
at the time of conviction by the licensee whose license has been 14810
suspended. 14811

Sec. 1533.40. Each person, firm, partnership, association, or 14812
corporation ~~which~~ that buys, sells, or deals in minnows, crayfish, 14813
or hellgrammites or collects the listed species for sale shall 14814
obtain, annually, from the chief of the division of wildlife a 14815
permit and shall operate under such rules as the chief ~~of the~~ 14816
~~division of wildlife prescribes~~ adopts. Such ~~A~~ permit shall be 14817
issued upon application and the payment of a fee of ~~twenty-five~~ 14818
forty dollars. This permit expires at midnight, on the 14819
thirty-first day of December ~~31~~. Nonresidents engaging in the 14820
collecting, seining, or picking of minnows, crayfish, or 14821
hellgrammites for bait shall have a nonresident fishing license as 14822
prescribed in section 1533.32 of the Revised Code. 14823

Sec. 1533.54. No person shall draw, set, place, locate, 14824
maintain, or possess a pound net, crib net, trammel net, fyke net, 14825
set net, seine, bar net, or fish trap, or any part thereof, or 14826
throw or hand line, with more than three hooks attached thereto, 14827

or any other device for catching fish, except a line with not more 14828
than three hooks attached thereto or lure with not more than three 14829
sets of three hooks each, in the inland fishing district of this 14830
state, except for taking carp, mullet, sheepshead, and grass pike 14831
as provided in section 1533.62 of the Revised Code, and except as 14832
provided in section 1533.60 of the Revised Code, or as otherwise 14833
provided for by division rule. No person shall catch or kill a 14834
fish in that fishing district with what are known as bob lines, 14835
trotlines, or float lines, or by grabbing with the hands, or by 14836
spearing or shooting, or with any other device other than by 14837
angling. In the waters of the inland fishing district, except 14838
those lakes, harbors, and reservoirs controlled by the state, a 14839
trotline may be used with not more than fifty hooks, and no two 14840
hooks less than three feet apart, by the owner or person having 14841
the owner's consent in that part of the stream bordering on or 14842
running through that owner's lands. 14843

Notwithstanding this section, any resident who is licensed to 14844
fish with nets in the Ohio river may possess fish nets for the 14845
sole purpose of storage, repair, drying, and tarring in the area 14846
between United States route fifty and the Ohio river from the 14847
Indiana state line to Cincinnati, Ohio, and in the area between 14848
United States route fifty-two and the Ohio river from Cincinnati, 14849
Ohio, to Chesapeake, Ohio, and in the area between state route 14850
seven and the Ohio river from Chesapeake, Ohio, to East Liverpool, 14851
Ohio. 14852

Any person possessing a net in this reserve district shall 14853
have an Ohio permit for each net in ~~his~~ the person's possession. 14854
The permit shall be issued annually by the chief of the division 14855
of wildlife upon application of the owner of the net and 14856
submission of evidence by ~~him~~ the owner of ~~his~~ possession of a 14857
valid fishing license permitting ~~him~~ the owner to fish with nets 14858
in the Ohio river, and the payment of ~~ten~~ fifty dollars for each 14859

net for which an application is made and a permit is issued. The 14860
permit shall expire at twelve midnight on the fifteenth day of 14861
March of each year. 14862

Sec. 1533.631. Any person may apply for a permit to handle 14863
commercial fish, or other fish that may be bought or sold under 14864
the Revised Code or division rule, at wholesale. The chief of the 14865
division of wildlife shall issue an annual permit granting the 14866
applicant the privilege to handle such fish at wholesale at one or 14867
more designated premises upon filing of an application on a form 14868
prescribed by the chief and payment of a fee of ~~fifty~~ sixty-five 14869
dollars. No person or ~~his~~ a person's agent shall handle at 14870
wholesale any fresh water fish or part thereof unless a permit has 14871
been issued for the calendar year in which the fish is handled at 14872
wholesale for the premises at which the fish is handled. 14873

A fish is handled at wholesale for purposes of this section 14874
when it is on a premises within the state and is being held, 14875
stored, handled, or processed for the purpose of sale to a person 14876
who ordinarily resells the fish. 14877

The permit required by this section shall be issued subject 14878
to the right of entry and inspection of the designated premises of 14879
the permittee by any law enforcement officer authorized by section 14880
1531.13 of the Revised Code to enforce the laws and rules of the 14881
division of wildlife. Such an officer may enter and inspect the 14882
designated premises and any box, package, or receptacle, and the 14883
contents thereof, for the purpose of determining whether any 14884
provision of this chapter or Chapter 1531. of the Revised Code or 14885
division rule is being violated. 14886

No person holding a permit under this section shall remove a 14887
label required by section 1533.301 of the Revised Code unless the 14888
box, package, or receptacle bearing the label has been opened or 14889
unless the label is replaced with another label that meets the 14890

requirements of that section. 14891

No person shall fail to comply with any provision of this 14892
section or division rule adopted pursuant to it. 14893

In addition to other penalties provided in the Revised Code, 14894
the permit of any person who is convicted of two violations of 14895
this section that occurred within a twelve-month period is 14896
suspended upon the second such conviction by operation of law for 14897
a period of five fishing season days immediately following that 14898
conviction. 14899

In addition to other penalties provided in the Revised Code, 14900
the permit of any person who is convicted of three or more 14901
violations of this section that occurred within a twelve-month 14902
period is suspended upon the third or subsequent such conviction 14903
by operation of law for a period of twenty fishing season days 14904
immediately following that conviction. 14905

During any period of suspension, no person shall use or 14906
engage in handling commercial fish at wholesale with equipment or 14907
facilities owned, used, or controlled at the time of conviction by 14908
the permittee whose permit has been suspended. 14909

Sec. 1533.632. (A) As used in this section: 14910

(1) "Aquaculture" means a form of agriculture that involves 14911
the propagation and rearing of aquatic species in controlled 14912
environments under private control, including, but not limited to, 14913
for the purpose of sale for consumption as food. 14914

(2) "Aquaculture species" means any aquatic species that may 14915
be raised through aquaculture that is either a class A aquaculture 14916
species or a class B aquaculture species. 14917

(3) "Class A aquaculture species" includes all of the 14918
following: 14919

(a) Trout and salmon (*Onchorhynchus* sp., *Salmo* sp., 14920

Salvelinus sp.);	14921
(b) Walleye (Stizostedion vitreum);	14922
(c) Sauger (Stizostedion canadense);	14923
(d) Bluegill (Lepomis machrochirus);	14924
(e) Redear sunfish (Lepomis microlophus);	14925
(f) Green sunfish (Lepomis cyanellus);	14926
(g) White crappie (Pomoxis annularis);	14927
(h) Black crappie (Pomoxis nigromaculatus);	14928
(i) Blue catfish (Ictalurus furcatus);	14929
(j) Any species added by rule under division (B) of this	14930
section or listed as commercial fish under section 1531.01 of the	14931
Revised Code except white perch (Morone americana).	14932
(4) "Class B aquaculture species" includes any species,	14933
except for class A aquaculture species, designated as such by the	14934
chief of the division of wildlife.	14935
(5) "Aquaculture production facility" means a facility used	14936
for aquaculture.	14937
(B) The chief, in accordance with Chapter 119. of the Revised	14938
Code, shall adopt rules for the regulation of aquaculture and may	14939
issue permits to persons wishing to engage in aquaculture for the	14940
production of aquaculture species. Rules adopted under this	14941
section shall ensure the protection and preservation of the	14942
wildlife and natural resources of this state. The legal length and	14943
weight limitations established under section 1533.63 of the	14944
Revised Code do not apply to class A or class B aquaculture	14945
species.	14946
A permit may be issued upon application to any person who	14947
satisfies the chief that the person has suitable equipment, of	14948
which he <u>the person</u> is the owner or lessee, to engage in	14949

aquaculture for a given aquaculture species or group of 14950
aquaculture species. Each permit shall be in such form as the 14951
chief prescribes. The permits shall be classified as either class 14952
A or class B. A class A permit shall be required for all class A 14953
aquaculture species that are specified in this section or 14954
designated by rule as a class A aquaculture species. Class B 14955
permits shall be issued on a case-by-case basis. In determining 14956
whether to issue a class B permit, the chief shall take into 14957
account the species for which the class B permit is requested, the 14958
location of the aquaculture production facility, and any other 14959
information determined by the chief to be necessary to protect the 14960
wildlife and natural resources of this state. The annual fee for a 14961
class A permit shall be fifty dollars unless otherwise provided by 14962
rule by the chief. The annual fee for a class B permit shall be 14963
set by the chief at a level between one hundred and five hundred 14964
dollars. In determining the fee to be charged for a class B 14965
permit, the chief shall take into account the additional costs to 14966
the division for the inspection of aquaculture facilities used to 14967
raise a given class B aquaculture species. 14968

The chief may revoke a permit upon a determination that the 14969
person to whom the permit was issued has violated any rule adopted 14970
under this section. The permit shall be reissued upon a showing by 14971
the person that ~~he~~ the person is in compliance with the rules 14972
adopted under this section. A holder of an aquaculture permit may 14973
receive a permit issued under section 1533.301, ~~1533.39~~, or 14974
1533.40 of the Revised Code without payment of the fee for that 14975
permit if the conditions for the issuance of the permit have been 14976
met. 14977

(C) No person shall knowingly sell any aquatic species under 14978
an aquaculture permit issued under this section that was not 14979
raised in an aquaculture production facility. In addition to any 14980
other penalties prescribed for violation of this division, the 14981

chief may revoke the permit of any person convicted of a violation 14982
of this division for any period of time ~~he~~ the chief considers 14983
necessary. 14984

(D) No person who does not hold a current valid aquaculture 14985
permit shall knowingly sell an aquaculture species while claiming 14986
to possess an aquaculture permit. 14987

Sec. 1533.71. Unless otherwise provided by division rule, any 14988
person desiring to engage in the business of raising and selling 14989
game birds, game quadrupeds, reptiles, amphibians, or fur-bearing 14990
animals in a wholly enclosed preserve of which the person is the 14991
owner or lessee, or to have game birds, game quadrupeds, reptiles, 14992
amphibians, or fur-bearing animals in captivity, shall apply in 14993
writing to the division of wildlife for a license to do so. 14994
14995

The division, when it appears that the application is made in 14996
good faith and upon the payment of the fee for each license, ~~shall~~ 14997
may issue to the applicant any of the following licenses that may 14998
be applied for: 14999

(A) "Commercial propagating license" permitting the licensee 15000
to propagate game birds, game quadrupeds, reptiles, amphibians, or 15001
fur-bearing animals in the wholly enclosed preserve the location 15002
of which is stated in the license and the application therefor, 15003
and to sell the propagated game birds, game quadrupeds, reptiles, 15004
amphibians, or fur-bearing animals and ship them from the state 15005
alive at any time, and permitting the licensee and the licensee's 15006
employees to kill the propagated game birds, game quadrupeds, or 15007
fur-bearing animals and sell the carcasses for food subject to 15008
sections 1533.70 to 1533.80 of the Revised Code. The fee for such 15009
a license is ~~twenty-five~~ forty dollars per annum. 15010

(B) "Noncommercial propagating license" permitting the 15011
licensee to propagate game birds, game quadrupeds, reptiles, 15012

amphibians, or fur-bearing animals and to hold the animals in 15013
captivity. Game birds, game quadrupeds, reptiles, amphibians, and 15014
fur-bearing animals propagated or held in captivity by authority 15015
of a noncommercial propagating license are for the licensee's own 15016
use and shall not be sold. The fee for such a license is ~~ten~~ 15017
twenty-five dollars per annum. 15018

(C) A free "raise to release license" permitting duly 15019
organized clubs, associations, or individuals approved by the 15020
division to engage in the raising of game birds, game quadrupeds, 15021
or fur-bearing animals for release only and not for sale or 15022
personal use. 15023

Except as provided by law, no person shall possess game 15024
birds, game quadrupeds, or fur-bearing animals in closed season, 15025
provided that municipal or governmental zoological parks are not 15026
required to obtain the licenses provided for in this section. 15027

All licenses issued under this section shall expire on the 15028
fifteenth day of March of each year. 15029

The chief of the division of wildlife shall pay all moneys 15030
received as fees for the issuance of licenses under this section 15031
into the state treasury to the credit of the fund created by 15032
section 1533.15 of the Revised Code for the use of the division in 15033
the purchase, preservation, and protection of wild animals and for 15034
the necessary clerical help and forms required by sections 1533.70 15035
to 1533.80 of the Revised Code. 15036

This section does not authorize the taking or the release for 15037
taking of the following: 15038

(1) Game birds, without first obtaining a commercial bird 15039
shooting preserve license issued under section 1533.72 of the 15040
Revised Code; 15041

(2) Game or nonnative wildlife, without first obtaining a 15042
wild animal hunting preserve license issued under section 1533.721 15043

of the Revised Code. 15044

Sec. 1533.82. (A) On receipt of a notice pursuant to section 15045
3123.43 of the Revised Code, the chief of the division of wildlife 15046
shall comply with sections 3123.41 to 3123.50 of the Revised Code 15047
and any applicable rules adopted under section 3123.63 of the 15048
Revised Code with respect to a license, permit, or certificate 15049
issued pursuant to section 1533.23, 1533.34, 1533.342, ~~1533.39,~~ 15050
1533.40, 1533.51, 1533.631, 1533.71, 1533.72, 1533.81, 1533.88, or 15051
1533.881 of the Revised Code. 15052

(B) On receipt of a notice pursuant to section 3123.62 of the 15053
Revised Code, the chief shall comply with that section and any 15054
applicable rules adopted under section 3123.63 of the Revised Code 15055
with respect to a license, permit, or stamp issued pursuant to 15056
section 1533.10, 1533.11, 1533.111, 1533.112, or 1533.32 of the 15057
Revised Code. 15058

Sec. 1541.10. Any person selected by the chief of the 15059
division of parks and recreation for custodial or patrol service 15060
on the lands and waters operated or administered by the division 15061
of parks and recreation shall be employed in conformity with the 15062
law applicable to the classified civil service of the state. 15063
Subject to section 1541.11 of the Revised Code, the chief may 15064
designate that person as a park officer. A park officer, on any 15065
lands and waters owned, controlled, maintained, or administered by 15066
the department of natural resources and on highways, as defined in 15067
section 4511.01 of the Revised Code, adjacent to lands and waters 15068
owned, controlled, maintained, or administered by the division, 15069
has the authority specified under section 2935.03 of the Revised 15070
Code for peace officers of the department of natural resources to 15071
keep the peace, to enforce all laws and rules governing those 15072
lands and waters, and to make arrests for violation of those laws 15073
and rules, provided that the authority shall be exercised on lands 15074

or waters administered by another division of the department only 15075
pursuant to an agreement with the chief of that division or to a 15076
request for assistance by an enforcement officer of that division 15077
in an emergency. A park officer, in or along any watercourse 15078
within, abutting, or upstream from the boundary of any area 15079
administered by the department, has the authority to enforce 15080
section 3767.32 of the Revised Code and any other laws prohibiting 15081
the dumping of refuse into or along waters and to make arrests for 15082
violation of those laws. The jurisdiction of park officers shall 15083
be concurrent with that of the peace officers of the county, 15084
township, or municipal corporation in which the violation occurs. 15085
A state park, for purposes of this section, is any area that is 15086
administered as a state park by the division of parks and 15087
recreation. 15088

The ~~governor~~ secretary of state, upon the recommendation of 15089
the chief, shall issue to each park officer a commission 15090
indicating authority to make arrests as provided in this section. 15091

The chief shall furnish a suitable badge to each commissioned 15092
park officer as evidence of that park officer's authority. 15093

If any person employed under this section is designated by 15094
the chief to act as an agent of the state in the collection of 15095
moneys resulting from the sale of licenses, fees of any nature, or 15096
other moneys belonging to the state, the chief shall require a 15097
surety bond from that person in an amount not less than one 15098
thousand dollars. 15099

A park officer may render assistance to a state or local law 15100
enforcement officer at the request of that officer or may render 15101
assistance to a state or local law enforcement officer in the 15102
event of an emergency. 15103

Park officers serving outside the division of parks and 15104
recreation under this section or serving under the terms of a 15105

mutual aid compact authorized under section 1501.02 of the Revised Code shall be considered as performing services within their regular employment for the purposes of compensation, pension or indemnity fund rights, workers' compensation, and other rights or benefits to which they may be entitled as incidents of their regular employment.

Park officers serving outside the division of parks and recreation under this section or under a mutual aid compact retain personal immunity from civil liability as specified in section 9.86 of the Revised Code and shall not be considered an employee of a political subdivision for purposes of Chapter 2744. of the Revised Code. A political subdivision that uses park officers under this section or under the terms of a mutual aid compact authorized under section 1501.02 of the Revised Code is not subject to civil liability under Chapter 2744. of the Revised Code as the result of any action or omission of any park officer acting under this section or under a mutual aid compact.

Sec. 1548.06. Application for a certificate of title for a watercraft or outboard motor shall be made upon a form prescribed by the chief of the division of watercraft and shall be sworn to before a notary public or other officer empowered to administer oaths. The application shall be filed with the clerk of any court of common pleas. An application for a certificate of title may be filed electronically by any electronic means approved by the chief in any county with the clerk of the court of common pleas of that county. The application shall be accompanied by the fee prescribed in section 1548.10 of the Revised Code. The fee shall be retained by the clerk who issues the certificate of title and shall be distributed in accordance with that section. If a clerk of a court of common pleas, other than the clerk of the court of common pleas of an applicant's county of residence, issues a certificate of title to the applicant, the clerk shall transmit data related to

the transaction to the automated title processing system. 15138

If a certificate of title previously has been issued for the 15139
watercraft or outboard motor, the application for a certificate of 15140
title also shall be accompanied by the certificate of title duly 15141
assigned unless otherwise provided in this chapter. If a 15142
certificate of title previously has not been issued for the 15143
watercraft or outboard motor in this state, the application, 15144
unless otherwise provided in this chapter, shall be accompanied by 15145
a manufacturer's or importer's certificate; by a sworn statement 15146
of ownership if the watercraft or outboard motor was purchased by 15147
the applicant on or before October 9, 1963, or if the watercraft 15148
is less than fourteen feet long with a permanently affixed 15149
mechanical means of propulsion and was purchased by the applicant 15150
on or before January 1, 2000; or by a certificate of title, bill 15151
of sale, or other evidence of ownership required by the law of 15152
another state from which the watercraft or outboard motor was 15153
brought into this state. Evidence of ownership of a watercraft or 15154
outboard motor for which an Ohio certificate of title previously 15155
has not been issued and which watercraft or outboard motor does 15156
not have permanently affixed to it a manufacturer's serial number 15157
shall be accompanied by the certificate of assignment of a hull 15158
identification number assigned by the chief as provided in section 15159
1548.07 of the Revised Code. 15160

The clerk shall retain the evidence of title presented by the 15161
applicant and on which the certificate of title is issued, except 15162
that, if an application for a certificate of title is filed 15163
electronically, by a vendor on behalf of a purchaser of a 15164
watercraft or outboard motor, the clerk shall retain the completed 15165
electronic record to which the vendor converted the certificate of 15166
title application and other required documents. ~~The vendor shall~~ 15167
~~forward the actual application and all other documents relating to~~ 15168
~~the sale of the watercraft or outboard motor to any clerk within~~ 15169

~~thirty days after the certificate of title is issued.~~ The chief, 15170
after consultation with the attorney general, shall adopt rules 15171
that govern the location at which, and the manner in which, are 15172
stored the actual application and all other documents relating to 15173
the sale of a watercraft or outboard motor when a vendor files the 15174
application for a certificate of title electronically on behalf of 15175
a purchaser. 15176

The clerk shall use reasonable diligence in ascertaining 15177
whether the facts in the application are true by checking the 15178
application and documents accompanying it or the electronic record 15179
to which a vendor converted the application and accompanying 15180
documents with the records of watercraft and outboard motors in 15181
the clerk's office. If the clerk is satisfied that the applicant 15182
is the owner of the watercraft or outboard motor and that the 15183
application is in the proper form, the clerk shall issue a 15184
physical certificate of title over the clerk's signature and 15185
sealed with the clerk's seal unless the applicant specifically 15186
requests the clerk not to issue a physical certificate of title 15187
and instead to issue an electronic certificate of title. However, 15188
if the evidence indicates and an investigation shows that one or 15189
more Ohio titles already exist for the watercraft or outboard 15190
motor, the chief may cause the redundant title or titles to be 15191
canceled. 15192

In the case of the sale of a watercraft or outboard motor by 15193
a vendor to a general purchaser or user, the certificate of title 15194
shall be obtained in the name of the purchaser by the vendor upon 15195
application signed by the purchaser. In all other cases, the 15196
certificate shall be obtained by the purchaser. In all cases of 15197
transfer of watercraft or outboard motors, the application for 15198
certificate of title shall be filed within thirty days after the 15199
later of the date of purchase or assignment of ownership of the 15200
watercraft or outboard motor. If the application for certificate 15201

of title is not filed within thirty days after the later of the 15202
date of purchase or assignment of ownership of the watercraft or 15203
outboard motor, the clerk shall charge a late penalty fee of five 15204
dollars in addition to the fee prescribed by section 1548.10 of 15205
the Revised Code. The clerk shall retain the entire amount of each 15206
late penalty fee. 15207

The clerk shall refuse to accept an application for 15208
certificate of title unless the applicant either tenders with the 15209
application payment of all taxes levied by or pursuant to Chapter 15210
5739. or 5741. of the Revised Code based on the applicant's county 15211
of residence less, in the case of a sale by a vendor, any discount 15212
to which the vendor is entitled under section 5739.12 of the 15213
Revised Code, or submits any of the following: 15214

(A) A receipt issued by the tax commissioner or a clerk of 15215
courts showing payment of the tax; 15216

(B) A copy of the unit certificate of exemption completed by 15217
the purchaser at the time of sale as provided in section 5739.03 15218
of the Revised Code; 15219

(C) An exemption certificate, in a form prescribed by the tax 15220
commissioner, that specifies why the purchase is not subject to 15221
the tax imposed by Chapter 5739. or 5741. of the Revised Code. 15222

Payment of the tax shall be in accordance with rules issued 15223
by the tax commissioner, and the clerk shall issue a receipt in 15224
the form prescribed by the tax commissioner to any applicant who 15225
tenders payment of the tax with the application for the 15226
certificate of title. 15227

For receiving and disbursing the taxes paid to the clerk by a 15228
resident of the clerk's county, the clerk may retain a poundage 15229
fee of one and one one-hundredth per cent of the taxes collected, 15230
which shall be paid into the certificate of title administration 15231
fund created by section 325.33 of the Revised Code. The clerk 15232

shall not retain a poundage fee from payments of taxes by persons 15233
who do not reside in the clerk's county. 15234

A clerk, however, may retain from the taxes paid to the clerk 15235
an amount equal to the poundage fees associated with certificates 15236
of title issued by other clerks of courts of common pleas to 15237
applicants who reside in the first clerk's county. The chief of 15238
the division of watercraft, in consultation with the tax 15239
commissioner and the clerks of the courts of common pleas, shall 15240
develop a report from the automated title processing system that 15241
informs each clerk of the amount of the poundage fees that the 15242
clerk is permitted to retain from those taxes because of 15243
certificates of title issued by the clerks of other counties to 15244
applicants who reside in the first clerk's county. 15245

In the case of casual sales of watercraft or outboard motors 15246
that are subject to the tax imposed by Chapter 5739. or 5741. of 15247
the Revised Code, the purchase price for the purpose of 15248
determining the tax shall be the purchase price on an affidavit 15249
executed and filed with the clerk by the vendor on a form to be 15250
prescribed by the chief, which shall be prima-facie evidence of 15251
the price for the determination of the tax. In addition to the 15252
information required by section 1548.08 of the Revised Code, each 15253
certificate of title shall contain in bold lettering the following 15254
notification and statements: "WARNING TO TRANSFEROR AND TRANSFEREE 15255
(SELLER AND BUYER). You are required by law to state the true 15256
selling price. A false statement is a violation of section 2921.13 15257
of the Revised Code and is punishable by six months imprisonment 15258
or a fine of up to one thousand dollars, or both. All transfers 15259
are audited by the department of taxation. The seller and buyer 15260
must provide any information requested by the department of 15261
taxation. The buyer may be assessed any additional tax found to be 15262
due." 15263

The clerk shall forward all payments of taxes, less poundage 15264

fees, to the treasurer of state in a manner to be prescribed by 15265
the tax commissioner and shall furnish information to the 15266
commissioner as the commissioner may require. For purposes of a 15267
transfer of a certificate of title, if the clerk is satisfied that 15268
a secured party has discharged a lien but has not canceled the 15269
lien notation with a clerk, the clerk may cancel the lien notation 15270
on the automated title processing system and notify the clerk of 15271
the county of origin. 15272

Every clerk shall have the capability to transact by 15273
electronic means all procedures and transactions relating to the 15274
issuance of watercraft or outboard motor certificates of title 15275
that are described in the Revised Code as being accomplished by 15276
electronic means. 15277

Sec. 1551.11. (A) To achieve the purposes of ~~this chapter~~ 15278
sections 1551.01 to 1551.25 of the Revised Code, the director of 15279
development may: 15280

(1) Identify, plan, organize, initiate, and sponsor studies, 15281
research, and experimental, pilot, and demonstration facilities 15282
and projects ~~which~~ that would lead to the development and more 15283
efficient utilization of present, new, or alternative energy 15284
sources in ~~the~~ this state, to the conservation of energy, to the 15285
attraction of federal and other development funding in emerging 15286
and established national or state priority areas, or to the 15287
enhancement of the economic development of the state; 15288

(2) Promote, assist, and provide financial assistance for the 15289
development of nonprofit corporations organized and established 15290
under Chapter 1702. of the Revised Code to further the purposes of 15291
this section; 15292

(3) Seek out, apply for, receive, and accept grants, gifts, 15293
contributions, loans, and other assistance in any form from public 15294
and private sources, including assistance from any governmental 15295

agency; 15296

(4) Make grants under division (F) of section 1551.12 of the 15297
Revised Code from funds that are appropriated by the general 15298
assembly and from gifts or grants obtained under division (A)(3) 15299
of this section for the purposes of developing, constructing, or 15300
operating experimental, pilot, and demonstration facilities or 15301
programs which develop, test, or demonstrate more efficient and 15302
environmentally acceptable methods of extracting energy resources; 15303
new concepts, programs, or technology for the conservation of 15304
energy; new concepts, programs, or technology for the efficient 15305
and environmentally acceptable utilization of present, new, or 15306
alternative energy sources; or concepts, programs, or technology 15307
which develop resources of the state. Grants may be made, without 15308
limitation, for projects and programs such as experimental 15309
demonstrations of the use of Ohio coal in processes which would 15310
facilitate its widespread use as a source of energy; experimental 15311
demonstrations of new or improved coal, natural gas, and natural 15312
petroleum extraction techniques and of reclamation techniques at 15313
the extraction sites; experimental demonstrations or development 15314
of solar heating and cooling and potentially energy-efficient 15315
construction in public buildings, schools, offices, commercial 15316
establishments, and residential homes; development of programs or 15317
experimental demonstrations of the utilization of waste products 15318
in energy production and mineral and energy conservation; and 15319
development of programs or experimental demonstrations of 15320
technologies which would permit utility pricing policies which may 15321
reduce the consumer costs of energy. 15322

(5) Enter into agreements with persons and governmental 15323
agencies, in any combination, for the purposes of this section. 15324

(B) Any materials or data submitted to, made available by or 15325
to, or received by the director under division (A) of this 15326
section, division (F) of section 1551.12, or division (B) of 15327

section 1551.15 of the Revised Code, and any information taken 15328
from those materials or data for any purpose, to the extent that 15329
those materials or data consist of trade secrets or other 15330
proprietary information, are not public information or public 15331
documents and shall not be open to public inspection. 15332

(C) The exercise by the director of the powers conferred by 15333
~~this chapter~~ sections 1551.01 to 1551.25 of the Revised Code for 15334
the preservation or creation of jobs and employment opportunities 15335
for the people of ~~the~~ this state through the development and 15336
efficient utilization of energy resources of the state is in all 15337
respects for the benefit of the people of the state, and is 15338
determined to be an essential government function and public 15339
purpose of the state. 15340

Sec. 1551.12. The director of development may: 15341

(A) Seek, solicit, or acquire personal property or any 15342
estate, interest, or right in real property, or services, funds, 15343
and other things of value of any kind or character by purchase, 15344
lease, gift, grant, contribution, exchange, or otherwise from any 15345
person or governmental agency to be held, used, and applied in 15346
accordance with and for the purposes of ~~this chapter~~ sections 15347
1551.01 to 1551.25 of the Revised Code; 15348

(B) Contract for the operation of, and establish rules for 15349
the use of, facilities over which the director has supervision or 15350
control, which rules may include the limitation of ingress to or 15351
egress from such facilities as may be necessary to maintain the 15352
security of such facilities and to provide for the safety of those 15353
on the premises of such facilities; 15354

(C) Purchase such fire and extended coverage insurance and 15355
insurance protecting against liability for damage to property or 15356
injury to or death of persons as the director may consider 15357
necessary and proper under ~~this chapter~~ sections 1551.01 to 15358

<u>1551.25 of the Revised Code;</u>	15359
(D) Sponsor, conduct, assist, and encourage conferences,	15360
seminars, meetings, institutes, and other forms of meetings;	15361
authorize, prepare, publish, and disseminate any form of studies,	15362
reports, and other publications; originate, prepare, and assist	15363
proposals for the expenditure or granting of funds by any	15364
governmental agency or person for purposes of energy resource	15365
development; and investigate, initiate, sponsor, participate in,	15366
and assist with cooperative activities and programs involving	15367
governmental agencies and other entities of other states and	15368
jurisdictions;	15369
(E) Do all acts and things necessary and proper to carry out	15370
the powers granted and the duties imposed by this chapter <u>sections</u>	15371
<u>1551.01 to 1551.25 of the Revised Code;</u>	15372
(F) Make grants of funds to any person, organization, or	15373
governmental agency of the state for the furnishing of goods or	15374
performance of services.	15375
Any person or governmental agency that receives funds from	15376
the department of development, or utilizes the facilities of the	15377
department under this chapter <u>sections 1551.01 to 1551.25 of the</u>	15378
<u>Revised Code</u> shall agree in writing that all know-how, trade	15379
secrets, and other forms of property, rights, and interest arising	15380
out of developments, discoveries, or inventions, including	15381
patents, copyrights, or royalties thereon, which result in whole	15382
or in part from research, studies, or testing conducted by use of	15383
such funds or facilities shall be the sole property of the	15384
department, except as may be otherwise negotiated and provided by	15385
contract in advance of such research, studies, or testing.	15386
However, such exceptions do not apply to the director or employees	15387
of the department participating in or performing research, tests,	15388
or studies.	15389

Rights retained by the department may be assigned, licensed, 15390
transferred, sold, or otherwise disposed of, in whole or in part, 15391
to any person or governmental agency. Any and all income, 15392
royalties, or proceeds derived or retained from such dispositions 15393
shall be paid to the state and credited to the general revenue 15394
fund. 15395

Any instrument by which real property is acquired pursuant to 15396
this section shall identify the agency of ~~the~~ this state that has 15397
the use and benefit of the real property as specified in section 15398
5301.012 of the Revised Code. 15399

Sec. 1551.15. (A) All general revenue fund moneys required by 15400
the department of development for purposes of ~~this chapter~~ 15401
sections 1551.01 to 1551.25 of the Revised Code are subject to 15402
appropriation by the general assembly. 15403

(B) The director of development may enter into agreements, 15404
make grants, or enter into contracts for the purposes of effecting 15405
the construction and operation in this state of experimental, 15406
pilot, or demonstration energy resource development facilities. 15407
Before making grants or entering contracts, the director shall 15408
determine that all of the following criteria are met: 15409

(1) The urgency of public need for the potential results of 15410
the experimental, pilot, or demonstration project is high, and 15411
there is little likelihood that similar results would be achieved 15412
in this state in a timely manner in the absence of state 15413
assistance; 15414

(2) The potential opportunities for private interests to 15415
recapture the investment in the undertaking through the normal 15416
commercial exploitation of proprietary knowledge appear to be 15417
inadequate to encourage timely results in this state; 15418

(3) The extent of the problems treated and the objectives 15419

sought by the project are consistent with the purposes of ~~this~~ 15420
~~chapter~~ sections 1551.01 to 1551.25 of the Revised Code and of 15421
general significance to the state. 15422

This determination by the director shall include the facts or 15423
reasons justifying it and shall be journalized by the director. 15424

(C) The director may use funds as appropriated, donated, 15425
granted, or received for any of the following purposes: 15426

(1) Construction and related architectural or engineering 15427
studies or purchase of physical plant and equipment for an 15428
experimental, pilot, or demonstration energy resource development 15429
facility; 15430

(2) Acquisition and improvement of land, construction of 15431
roads, and provision of other public facilities incidental and 15432
necessary to the accomplishment of experimental, pilot, or 15433
demonstration energy resource development facilities; 15434

(3) Operation of an energy resource development experimental, 15435
pilot, or demonstration project or facility, which could include 15436
but not be limited to labor, feedstocks, and repair or replacement 15437
parts; 15438

(4) Purchase of all or a portion of the usable output of 15439
energy resource development experimental, pilot, or demonstration 15440
projects and the disposition of this output for use in the 15441
facilities of governmental agencies. 15442

(D) Each grant made pursuant to this section shall be 15443
accomplished through written agreements between the department and 15444
the person or governmental agency which would effect the 15445
construction and operation of the project or facility, and between 15446
the department and the persons and governmental agencies which 15447
would share the expenses and costs of the project or facility. In 15448
addition to such other terms as may be required by law or advised 15449
by counsel, each agreement shall provide for each of the following 15450

conditions: 15451

(1) The limitation of the department's financial obligations 15452
in the project or facility to a specified dollar amount which 15453
shall not exceed one-third of the total costs of the project or 15454
facility; 15455

(2) The financial participation in the project or facility by 15456
the federal government or its agencies, by private corporations 15457
doing business in this state, by local governmental agencies, or 15458
by other organizations; 15459

(3) The disposition of the assets of the project or facility, 15460
should it be terminated or abandoned, in such manner that the 15461
department shall be repaid in the same proportion as its share in 15462
the total of moneys, property, or other assets expended, 15463
contributed, or invested in the project or facility; 15464

(4) The criteria for the identification if and when the 15465
project or facility is commercially viable through the profitable 15466
disposition of its output; 15467

(5) The termination of the department's financial support at 15468
such time the project or facility is commercially viable and the 15469
repayment of the department through the future profits, if any, of 15470
the project or facility. 15471

Sec. 1551.311. The general assembly hereby finds and declares 15472
that the future of the Ohio coal industry lies in the development 15473
of clean coal technology and that the disproportionate economic 15474
impact on the state under Title IV of the "Clean Air Act 15475
Amendments of 1990," 104 Stat. 2584, 42 U.S.C.A. 7651, warrants 15476
maximum federal assistance to ~~the~~ this state for such development. 15477
It is therefore imperative that the ~~department of development~~ Ohio 15478
air quality development authority created under Chapter 3706. of 15479
the Revised Code, its Ohio coal development office, the Ohio coal 15480

industry, the Ohio Washington office in the office of the 15481
governor, and the state's congressional delegation make every 15482
effort to acquire any federal assistance available for the 15483
development of clean coal technology, including assisting entities 15484
eligible for grants in their acquisition. The Ohio coal 15485
development agenda required by section 1551.34 of the Revised Code 15486
shall include, in addition to the other information required by 15487
that section, a description of such efforts and a description of 15488
the current status of the development of clean coal technology in 15489
this state and elsewhere. 15490

Sec. 1551.32. (A) There is hereby established within the 15491
~~department of development~~ Ohio air quality development authority 15492
the Ohio coal development office whose purposes are to do all of 15493
the following: 15494

(1) Encourage, promote, and support siting, financing, 15495
construction, and operation of commercially available or scaled 15496
facilities and technologies, including, without limitation, 15497
commercial-scale demonstration facilities and, when necessary or 15498
appropriate to demonstrate the commercial acceptability of a 15499
specific technology, up to three installations within this state 15500
utilizing the specific technology, to more efficiently produce, 15501
beneficiate, market, or use Ohio coal; 15502

(2) Encourage, promote, and support the market acceptance and 15503
increased market use of Ohio coal through technology and market 15504
development; 15505

(3) Assist in the financing of coal development facilities; 15506

(4) Encourage, promote, and support, in state-owned 15507
buildings, facilities, and operations, use of Ohio coal and 15508
electricity sold by utilities and others in this state that use 15509
Ohio coal for generation; 15510

(5) Improve environmental quality, particularly through 15511
cleaner use of Ohio coal; 15512

(6) Assist and cooperate with governmental agencies, 15513
universities and colleges, coal producers, coal miners, electric 15514
utilities and other coal users, public and private sector coal 15515
development interests, and others in achieving these purposes. 15516

(B) The office shall give priority to improvement or 15517
reconstruction of existing facilities and equipment when 15518
economically feasible, to construction and operation of 15519
commercial-scale facilities, and to technologies, equipment, and 15520
other techniques that enable maximum use of Ohio coal in an 15521
environmentally acceptable, cost-effective manner. 15522

Sec. 1551.33. (A) ~~The director of development~~ Ohio air 15523
quality development authority, by the affirmative vote of a 15524
majority of its members, shall appoint and fix the compensation of 15525
the director of the Ohio coal development office ~~established under~~ 15526
~~section 1551.32 of the Revised Code.~~ The director ~~of the office~~ 15527
shall serve at the pleasure of the ~~director of development~~ 15528
authority. 15529

(B) The director of the office shall do all of the following: 15530

(1) Biennially prepare and maintain the Ohio coal development 15531
agenda required under section 1551.34 of the Revised Code; 15532

(2) Propose and support policies for the office consistent 15533
with the Ohio coal development agenda and develop means to 15534
implement the agenda; 15535

(3) Initiate, undertake, and support projects to carry out 15536
the office's purposes and ensure that the projects are consistent 15537
with and meet the selection criteria established by the Ohio coal 15538
development agenda; 15539

(4) Actively encourage joint participation in and, when 15540

feasible, joint funding of the office's projects with governmental 15541
agencies, electric utilities, universities and colleges, other 15542
public or private interests, or any other person; 15543

(5) Establish a table of organization for and employ such 15544
employees and agents as are necessary for the administration and 15545
operation of the office+. Any such employees shall be in the 15546
unclassified service and shall serve at the pleasure of the 15547
authority. 15548

(6) Appoint specified members of and convene the technical 15549
advisory committee established under section 1551.35 of the 15550
Revised Code; 15551

(7) Review, with the assistance of the technical advisory 15552
committee, proposed coal research and development projects as 15553
defined in section 1555.01 of the Revised Code, and coal 15554
development projects, submitted to the office by public utilities 15555
for the purpose of section 4905.304 of the Revised Code. If the 15556
director and the advisory committee determine that any such 15557
facility or project has as its purpose the enhanced use of Ohio 15558
coal in an environmentally acceptable, cost effective manner, 15559
promotes energy conservation, is cost effective, and is 15560
environmentally sound, the director shall submit to the public 15561
utilities commission a report recommending that the commission 15562
allow the recovery of costs associated with the facility or 15563
project under section 4905.304 of the Revised Code and including 15564
the reasons for the recommendation. 15565

(8) Establish such policies, procedures, and guidelines as 15566
are necessary to achieve the office's purposes. 15567

(C) ~~With the approval of the director of development~~ By the 15568
affirmative vote of a majority of the members of the Ohio air 15569
quality development authority, the director of the office may 15570
exercise any of the powers and duties of the director of 15571

development as the ~~directors~~ authority and the director of the 15572
office consider appropriate or desirable to achieve the office's 15573
purposes, including, but not limited to, the powers and duties 15574
enumerated in sections 1551.11, 1551.12, 1551.13, and 1551.15 of 15575
the Revised Code. 15576

Additionally, the director of the office may make loans to 15577
governmental agencies or persons for projects to carry out the 15578
office's purposes. Fees, charges, rates of interest, times of 15579
payment of interest and principal, and other terms, conditions, 15580
and provisions of the loans shall be such as the director of the 15581
office determines to be appropriate and in furtherance of the 15582
purposes for which the loans are made. The mortgage lien securing 15583
any moneys lent by the director of the office may be subordinate 15584
to the mortgage lien securing any moneys lent or invested by a 15585
financial institution, but shall be superior to that securing any 15586
moneys lent or expended by any other person. The moneys used in 15587
making the loans shall be disbursed upon order of the director of 15588
the office. 15589

Sec. 1551.35. (A) There is hereby established a technical 15590
advisory committee to assist the director of the Ohio coal 15591
development office ~~established under section 1551.32 of the~~ 15592
~~Revised Code~~ in achieving the office's purposes. The director 15593
shall appoint to the committee one member of the public utilities 15594
commission and one representative each of coal production 15595
companies, the united mine workers of America, electric utilities, 15596
manufacturers that use Ohio coal, and environmental organizations, 15597
as well as two people with a background in coal research and 15598
development technology, one of whom is employed at the time of the 15599
member's appointment by a state university, as defined in section 15600
3345.011 of the Revised Code. In addition, the committee shall 15601
include four legislative members. The speaker and minority leader 15602
of the house of representatives each shall appoint one member of 15603

the house of representatives, and the president and minority 15604
leader of the senate each shall appoint one member of the senate, 15605
to the committee. The director of environmental protection, 15606
~~representing the environmental protection agency, the Ohio air~~ 15607
~~quality~~ director of development authority, and one member of the 15608
Ohio water development authority designated by that authority, 15609
shall serve on the committee as members ex officio. Any member of 15610
the committee may designate in writing a substitute to serve in 15611
the member's absence on the committee. The director of 15612
environmental protection may designate in writing the chief of the 15613
air pollution control division of the agency to represent the 15614
agency. Members shall serve on the committee at the pleasure of 15615
their appointing authority. Members of the committee appointed by 15616
the director of the office and, notwithstanding section 101.26 of 15617
the Revised Code, legislative members of the committee, when 15618
engaged in their official duties as members of the committee, 15619
shall be compensated on a per diem basis in accordance with 15620
division (J) of section 124.15 of the Revised Code, except that 15621
the member of the public utilities commission and, while employed 15622
by a state university, the member with a background in coal 15623
research, shall not be so compensated. Members shall receive their 15624
actual and necessary expenses incurred in the performance of their 15625
duties. 15626

(B) The technical advisory committee shall review and make 15627
recommendations concerning the Ohio coal development agenda 15628
required under section 1551.34 of the Revised Code, project 15629
proposals, research and development projects submitted to the 15630
office by public utilities for the purpose of section 4905.304 of 15631
the Revised Code, proposals for grants, loans, and loan guarantees 15632
for purposes of sections 1555.01 to 1555.06 of the Revised Code, 15633
and such other topics as the director of the office considers 15634
appropriate. 15635

(C) The technical advisory committee may hold an executive session at any regular or special meeting for the purpose of considering research and development project proposals or applications for assistance submitted to the Ohio coal development office under section 1551.33, or sections 1555.01 to 1555.06, of the Revised Code, to the extent that such proposals or applications consist of trade secrets or other proprietary information.

Any materials or data submitted to, made available to, or received by the ~~director of~~ Ohio air quality development authority or the director of the Ohio coal development office in connection with agreements for assistance entered into under this chapter or Chapter 1555. of the Revised Code, or any information taken from such materials or data for any purpose, to the extent that the materials or data consist of trade secrets or other proprietary information, are not public records for the purposes of section 149.43 of the Revised Code.

As used in this division, "trade secrets" has the same meaning as in section 1333.61 of the Revised Code.

Sec. 1555.02. It is hereby declared to be the public policy of ~~the~~ this state through the operations of the Ohio coal development office under this chapter to contribute toward one or more of the following: to provide for the comfort, health, safety, and general welfare of all employees and other inhabitants of ~~the~~ this state through research and development directed toward the discovery of new technologies or the demonstration or application of existing technologies to enable the conversion or use of Ohio coal as a fuel or chemical feedstock in an environmentally acceptable manner thereby enhancing the marketability and fostering the use of this state's vast reserves of coal, to assist in the financing of coal research and development and coal

research and development projects or facilities for persons doing 15667
business in this state and educational and scientific institutions 15668
located in this state, to create or preserve jobs and employment 15669
opportunities or improve the economic welfare of the people of ~~the~~ 15670
this state, or to assist and cooperate with such persons and 15671
educational and scientific institutions in conducting coal 15672
research and development. In furtherance of ~~such~~ this public 15673
policy, the Ohio coal development office ~~may~~, with the advice of 15674
the technical advisory committee created in section 1551.35 of the 15675
Revised Code and the ~~approval of the director of development~~ 15676
affirmative vote of a majority of the members of the Ohio air 15677
quality development authority, may make loans, guarantee loans, 15678
and make grants to persons doing business in this state or to 15679
educational or scientific institutions located in this state for 15680
coal research and development projects by such persons or 15681
educational or scientific institutions; ~~may~~, with the advice of 15682
the technical advisory committee and the ~~approval of the director~~ 15683
~~of development~~ affirmative vote of a majority of the members of 15684
the Ohio air quality development authority, request the issuance 15685
of coal research and development general obligations under section 15686
151.07 of the Revised Code to provide funds for making such loans, 15687
loan guarantees, and grants; and ~~may~~, with the advice of the 15688
technical advisory committee and the ~~approval of the director of~~ 15689
~~development~~ affirmative vote of a majority of the members of the 15690
Ohio air quality development authority, expend moneys credited to 15691
the coal research and development fund created in section 1555.15 15692
of the Revised Code for the purpose of making such loans, loan 15693
guarantees, and grants. Determinations by the director of the Ohio 15694
coal development office that coal research and development or a 15695
coal research and development facility is a coal research and 15696
development project under this chapter and is consistent with the 15697
purposes of Section 15 of Article VIII, Ohio Constitution, and 15698
this chapter shall be conclusive as to the validity and 15699

enforceability of the coal research and development general 15700
obligations issued to finance such project and of the 15701
authorizations, trust agreements or indentures, loan agreements, 15702
loan guarantee agreements, or grant agreements, and other 15703
agreements made in connection therewith, all in accordance with 15704
their terms. 15705

Sec. 1555.03. For the purposes of this chapter, the director 15706
of the Ohio coal development office may: 15707

(A) With the advice of the technical advisory committee 15708
created in section 1551.35 of the Revised Code and the ~~approval of~~ 15709
~~the director of development~~ affirmative vote of a majority of the 15710
members of the Ohio air quality development authority, make loans, 15711
guarantee loans, and make grants to persons doing business in this 15712
state or to educational or scientific institutions located in this 15713
state for coal research and development projects by any such 15714
person or educational or scientific institution and adopt rules 15715
under Chapter 119. of the Revised Code for making such loans, 15716
guarantees, and grants. 15717

(B) In making loans, loan guarantees, and grants under 15718
division (A) of this section and section 1555.04 of the Revised 15719
Code, the director of the office shall ensure that an adequate 15720
portion of the total amount of those loans, loan guarantees, and 15721
grants, as determined by the director with the advice of the 15722
technical advisory committee, ~~be~~ is used for conducting research 15723
on fundamental scientific problems related to the utilization of 15724
Ohio coal and shall ensure, to the maximum feasible extent, joint 15725
financial participation by the federal government or other 15726
investors or interested parties in conjunction with any such loan, 15727
loan guarantee, or grant. The director, in each grant agreement or 15728
contract under division (A) of this section, loan contract or 15729
agreement under this division or section 1555.04 of the Revised 15730

Code, and contract of guarantee under section 1555.05 of the 15731
Revised Code, shall require that the facility or project be 15732
maintained and kept in good condition and repair by the person or 15733
educational or scientific institution to whom the grant or loan 15734
was made or for whom the guarantee was made. 15735

(C) From time to time, with the advice of the technical 15736
advisory committee and the ~~approval of the director of development~~ 15737
affirmative vote of a majority of the members of the Ohio air 15738
quality development authority, request the issuance of coal 15739
research and development general obligations under section 151.07 15740
of the Revised Code, for any of the purposes set forth in Section 15741
15 of Article VIII, Ohio Constitution, and subject to the 15742
limitations therein upon the aggregate total amount of obligations 15743
that may be outstanding at any time. 15744

(D) Include as a condition of any loan, loan guarantee, or 15745
grant contract or agreement with any such person or educational or 15746
scientific institution that the director of the office receive, in 15747
addition to payments of principal and interest on any such loan or 15748
service charges for any such guarantee, as appropriate, as 15749
authorized by Section 15, Article VIII, Ohio Constitution, a 15750
reasonable royalty or portion of the income or profits arising out 15751
of the developments, discoveries, or inventions, including patents 15752
or copyrights ~~which, that~~ result in whole or in part from coal 15753
research and development projects conducted under any such 15754
contract or agreement, in such amounts and for such period of 15755
years as may be negotiated and provided by the contract or 15756
agreement in advance of the making of the grant, loan, or loan 15757
guarantee. Moneys so received by the director of the office shall 15758
be credited to the coal research and development bond service 15759
fund. 15760

(E) Employ managers, superintendents, and other employees and 15761
retain or contract with consulting engineers, financial 15762

consultants, accounting experts, architects, and such other 15763
consultants and independent contractors as are necessary in the 15764
judgment of the director of the office to carry out this chapter, 15765
and fix the compensation thereof. 15766

(F) Receive and accept from any federal agency, subject to 15767
the approval of the governor, grants for or in aid of the 15768
construction or operation of any coal research and development 15769
project or for coal research and development, and receive and 15770
accept aid or contributions from any source of money, property, 15771
labor, or other things of value, to be held, used, and applied 15772
only for the purposes for which such grants and contributions are 15773
made. 15774

(G) Purchase fire and extended coverage and liability 15775
insurance for any coal research and development project, insurance 15776
protecting the office and its officers and employees against 15777
liability for damage to property or injury to or death of persons 15778
arising from its operations, and any other insurance the director 15779
of the office determines necessary or proper under this chapter. 15780
Any moneys received by the director from the proceeds of any such 15781
insurance with respect to a coal research and development project 15782
and any moneys received by the director from the proceeds of any 15783
settlement, judgment, foreclosure, or other insurance with respect 15784
to a coal research and development project or facility shall be 15785
credited to the coal research and development bond service fund. 15786

(H) In the exercise of the powers of the director of the 15787
office under this chapter, call to the director's assistance, 15788
temporarily, from time to time, any engineers, technical experts, 15789
financial experts, and other employees in any state department, 15790
agency, or commission, or in the Ohio state university, or other 15791
educational institutions financed wholly or partially by ~~the~~ this 15792
state for purposes of assisting the director of the office with 15793
reviewing and evaluating applications for financial assistance 15794

under this chapter, monitoring performance of coal research and 15795
development projects receiving financial assistance under this 15796
chapter, and reviewing and evaluating the progress and findings of 15797
those projects. Such engineers, experts, and employees shall not 15798
receive any additional compensation over that which they receive 15799
from the department, agency, commission, or educational 15800
institution by which they are employed, but they shall be 15801
reimbursed for their actual and necessary expenses incurred while 15802
working under the direction of the director. 15803

(I) Do all acts necessary or proper to carry out the powers 15804
expressly granted in this chapter. 15805

Sec. 1555.04. (A) With respect to coal research and 15806
development projects financed wholly or partially from a loan or 15807
loan guarantee under this chapter, the director of the Ohio coal 15808
development office ~~may~~, in addition to other powers under this 15809
chapter, with the advice of the technical advisory committee 15810
created in section 1551.35 of the Revised Code and the ~~approval~~ 15811
affirmative vote of the director of development a majority of the 15812
members of the Ohio air quality development authority, may enter 15813
into loan agreements, accept notes and other forms of obligation 15814
to evidence such indebtedness and mortgages, liens, pledges, 15815
assignments, or other security interests to secure such 15816
indebtedness, which may be prior or subordinate to or on a parity 15817
with other indebtedness, obligations, mortgages, pledges, 15818
assignments, other security interests, or liens or encumbrances, 15819
and take such actions as ~~he~~ the director of the office considers 15820
appropriate to protect such security and safeguard against losses, 15821
including, without limitation, foreclosure and the bidding upon 15822
and purchase of property upon foreclosure or other sale. 15823

(B) The authority granted by this section is cumulative and 15824
supplementary to all other authority granted in this chapter. The 15825

authority granted by this section does not alter or impair any 15826
similar authority granted elsewhere in this chapter with respect 15827
to other projects. 15828

Sec. 1555.05. (A) Subject to any limitations as to aggregate 15829
amounts thereof that may from time to time be prescribed by the 15830
general assembly and to other applicable provisions of this 15831
chapter, and subject to the ~~one hundred million dollar~~ 15832
one-hundred-million-dollar limitation provided in Section 15 of 15833
Article VIII, Ohio Constitution, the director of the Ohio coal 15834
development office ~~may~~, on behalf of ~~the~~ this state, with the 15835
advice of the technical advisory committee created in section 15836
1551.35 of the Revised Code and the ~~approval~~ affirmative vote of a 15837
majority of the members of the director of development Ohio air 15838
quality development authority, may enter into contracts to 15839
guarantee the repayment or payment of the unpaid principal amount 15840
of loans made to pay the costs of coal research and development 15841
projects. 15842

(B) The contract of guarantee may make provision for the 15843
conditions of, time for, and manner of fulfillment of the 15844
guarantee commitment, subrogation of ~~the~~ this state to the rights 15845
of the parties guaranteed and exercise of such parties' rights by 15846
the state, giving the state the option of making payment of the 15847
principal amount guaranteed in one or more installments and, if 15848
deferred, to pay interest thereon from the source specified in 15849
division (A) of this section, and any other terms or conditions 15850
customary to such guarantees and as the director of the office may 15851
approve, and may contain provisions for securing the guarantee in 15852
the manner consistent with this section, covenants on behalf of 15853
~~the~~ this state to issue obligations under section 1555.08 of the 15854
Revised Code to provide moneys to fulfill such guarantees and 15855
covenants, and covenants restricting the aggregate amount of 15856
guarantees that may be contracted under this section and 15857

obligations that may be issued under section 151.07 of the Revised Code, and terms pertinent to either, to better secure the parties guaranteed.

(C) The director of the office may fix service charges for making a guarantee. Such charges shall be payable at such times and place and in such amounts and manner as may be prescribed by the director. Moneys received from such charges shall be credited to the coal research and development bond service fund.

(D) Any guaranteed parties under this section, by any suitable form of legal proceedings and except to the extent that their rights are restricted by the guarantee documents, may ~~by any suitable form of legal proceedings,~~ protect and enforce any rights under the laws of this state or granted by such guarantee or guarantee documents. Such rights include the right to compel the performance of all duties of the office required by this section or the guarantee or guarantee documents; and in the event of default with respect to the payment of any guarantees, to apply to a court having jurisdiction of the cause to appoint a receiver to receive and administer the moneys pledged to such guarantee with full power to pay, and to provide for payment of, such guarantee, and with such powers, subject to the direction of the court, as are accorded receivers in general equity cases, excluding any power to pledge or apply additional revenues or receipts or other income or moneys of ~~the~~ this state. Each duty of the office and its director and employees required or undertaken under this section or a guarantee made under this section is hereby established as a duty of the office and of its director and each such employee having authority to perform such duty, specifically enjoined by the law resulting from an office, trust, or station within the meaning of section 2731.01 of the Revised Code. The persons who are at the time the director of the office, or its employees, are not liable in their personal capacities on any

guarantees or contracts to make guarantees by the director. 15890

Sec. 1555.06. Upon application by the director of the Ohio 15891
coal development office with the ~~approval~~ affirmative vote of a 15892
majority of the director of development members of the Ohio air 15893
quality development authority, the controlling board ~~may~~, from 15894
appropriations available to the board, may provide funds for 15895
surveys or studies by the office of any proposed coal research and 15896
development project subject to repayment by the office from funds 15897
available to it, within the time fixed by the board. Funds to be 15898
repaid shall be charged by the office to the appropriate coal 15899
research and development project and the amount thereof shall be a 15900
cost of the project. This section does not abrogate the authority 15901
of the controlling board to otherwise provide funds for use by the 15902
office in the exercise of the powers granted to it by this 15903
chapter. 15904

Sec. 1555.08. (A) Subject to the limitations provided in 15905
Section 15 of Article VIII, Ohio Constitution, the commissioners 15906
of the sinking fund, upon certification by the director of the 15907
Ohio coal development office of the amount of moneys or additional 15908
moneys needed in the coal research and development fund for the 15909
purpose of making grants or loans for allowable costs, or needed 15910
for capitalized interest, for funding reserves, and for paying 15911
costs and expenses incurred in connection with the issuance, 15912
carrying, securing, paying, redeeming, or retirement of the 15913
obligations or any obligations refunded thereby, including payment 15914
of costs and expenses relating to letters of credit, lines of 15915
credit, insurance, put agreements, standby purchase agreements, 15916
indexing, marketing, remarketing and administrative arrangements, 15917
interest swap or hedging agreements, and any other credit 15918
enhancement, liquidity, remarketing, renewal, or refunding 15919
arrangements, all of which are authorized by this section, or 15920

providing moneys for loan guarantees, shall issue obligations of 15921
the state under this section in amounts authorized by the general 15922
assembly; provided that such obligations may be issued to the 15923
extent necessary to satisfy the covenants in contracts of 15924
guarantee made under section 1555.05 of the Revised Code to issue 15925
obligations to meet such guarantees, notwithstanding limitations 15926
otherwise applicable to the issuance of obligations under this 15927
section except the one-hundred-million-dollar limitation provided 15928
in Section 15 of Article VIII, Ohio Constitution. The proceeds of 15929
such obligations, except for the portion to be deposited in the 15930
coal research and development bond service fund as may be provided 15931
in the bond proceedings, shall as provided in the bond proceedings 15932
be deposited in the coal research and development fund. The 15933
commissioners of the sinking fund may appoint trustees, paying 15934
agents, and transfer agents and may retain the services of 15935
financial advisors, accounting experts, and attorneys, and retain 15936
or contract for the services of marketing, remarketing, indexing, 15937
and administrative agents, other consultants, and independent 15938
contractors, including printing services, as are necessary in 15939
their judgment to carry out this section. 15940

(B) The full faith and credit of the state of Ohio is hereby 15941
pledged to obligations issued under this section. The right of the 15942
holders and owners to payment of bond service charges is limited 15943
to all or that portion of the moneys pledged thereto pursuant to 15944
the bond proceedings in accordance with this section, and each 15945
such obligation shall bear on its face a statement to that effect. 15946

(C) Obligations shall be authorized by resolution of the 15947
commissioners of the sinking fund on request of the director of 15948
the Ohio coal development office as provided in section 1555.02 of 15949
the Revised Code and the bond proceedings shall provide for the 15950
purpose thereof and the principal amount or amounts, and shall 15951
provide for or authorize the manner or agency for determining the 15952

principal maturity or maturities, not exceeding forty years from 15953
the date of issuance, the interest rate or rates or the maximum 15954
interest rate, the date of the obligations and the dates of 15955
payment of interest thereon, their denomination, and the 15956
establishment within or without the state of a place or places of 15957
payment of bond service charges. Sections 9.98 to 9.983 of the 15958
Revised Code apply to obligations issued under this section. The 15959
purpose of such obligations may be stated in the bond proceedings 15960
in terms describing the general purpose or purposes to be served. 15961
The bond proceedings shall also provide, subject to the provisions 15962
of any other applicable bond proceedings, for the pledge of all, 15963
or such part as the commissioners of the sinking fund may 15964
determine, of the moneys credited to the coal research and 15965
development bond service fund to the payment of bond service 15966
charges, which pledges may be made either prior or subordinate to 15967
other expenses, claims, or payments and may be made to secure the 15968
obligations on a parity with obligations theretofore or thereafter 15969
issued, if and to the extent provided in the bond proceedings. The 15970
moneys so pledged and thereafter received by the state are 15971
immediately subject to the lien of such pledge without any 15972
physical delivery thereof or further act, and the lien of any such 15973
pledges is valid and binding against all parties having claims of 15974
any kind against the state or any governmental agency of the 15975
state, irrespective of whether such parties have notice thereof, 15976
and shall create a perfected security interest for all purposes of 15977
Chapter 1309. of the Revised Code, without the necessity for 15978
separation or delivery of funds or for the filing or recording of 15979
the bond proceedings by which such pledge is created or any 15980
certificate, statement or other document with respect thereto; and 15981
the pledge of such moneys is effective and the money therefrom and 15982
thereof may be applied to the purposes for which pledged without 15983
necessity for any act of appropriation. Every pledge, and every 15984
covenant and agreement made with respect thereto, made in the bond 15985

proceedings may therein be extended to the benefit of the owners 15986
and holders of obligations authorized by this section, and to any 15987
trustee therefor, for the further security of the payment of the 15988
bond service charges. 15989

(D) The bond proceedings may contain additional provisions as 15990
to: 15991

(1) The redemption of obligations prior to maturity at the 15992
option of the commissioners of the sinking fund at such price or 15993
prices and under such terms and conditions as are provided in the 15994
bond proceedings; 15995

(2) Other terms of the obligations; 15996

(3) Limitations on the issuance of additional obligations; 15997

(4) The terms of any trust agreement or indenture securing 15998
the obligations or under which the obligations may be issued; 15999

(5) The deposit, investment, and application of the coal 16000
research and development bond service fund, and the safeguarding 16001
of moneys on hand or on deposit, without regard to Chapter 131. or 16002
135. of the Revised Code, but subject to any special provisions of 16003
this chapter, with respect to particular moneys; provided, that 16004
any bank or trust company which acts as depository of any moneys 16005
in the fund may furnish such indemnifying bonds or may pledge such 16006
securities as required by the commissioners of the sinking fund; 16007

(6) Any other provision of the bond proceedings being binding 16008
upon the commissioners of the sinking fund, or such other body or 16009
person as may from time to time have the authority under law to 16010
take such actions as may be necessary to perform all or any part 16011
of the duty required by such provision; 16012

(7) Any provision which may be made in a trust agreement or 16013
indenture; 16014

(8) Any other or additional agreements with the holders of 16015

the obligations, or the trustee therefor, relating to the 16016
obligations or the security therefor, including the assignment of 16017
mortgages or other security obtained or to be obtained for loans 16018
under this chapter. 16019

(E) The obligations may have the great seal of the state or a 16020
facsimile thereof affixed thereto or printed thereon. The 16021
obligations shall be signed by such members of the commissioners 16022
of the sinking fund as are designated in the resolution 16023
authorizing the obligations or bear the facsimile signatures of 16024
such members. Any coupons attached to the obligations shall bear 16025
the facsimile signature of the treasurer of state. Any obligations 16026
may be executed by the persons who, on the date of execution, are 16027
the commissioners although on the date of such bonds the persons 16028
were not the commissioners. Any coupons may be executed by the 16029
person who, on the date of execution, is the treasurer of state 16030
although on the date of such coupons the person was not the 16031
treasurer of state. In case any officer or commissioner whose 16032
signature or a facsimile of whose signature appears on any such 16033
obligations or any coupons ceases to be such officer or 16034
commissioner before delivery thereof, such signature or facsimile 16035
is nevertheless valid and sufficient for all purposes as if the 16036
individual had remained such officer or commissioner until such 16037
delivery; and in case the seal to be affixed to obligations has 16038
been changed after a facsimile of the seal has been imprinted on 16039
such obligations, such facsimile seal shall continue to be 16040
sufficient as to such obligations and obligations issued in 16041
substitution or exchange therefor. 16042

(F) All obligations except loan guarantees are negotiable 16043
instruments and securities under Chapter 1308. of the Revised 16044
Code, subject to the provisions of the bond proceedings as to 16045
registration. The obligations may be issued in coupon or in 16046
registered form, or both, as the commissioners of the sinking fund 16047

determine. Provision may be made for the registration of any 16048
obligations with coupons attached thereto as to principal alone or 16049
as to both principal and interest, their exchange for obligations 16050
so registered, and for the conversion or reconversion into 16051
obligations with coupons attached thereto of any obligations 16052
registered as to both principal and interest, and for reasonable 16053
charges for such registration, exchange, conversion, and 16054
reconversion. 16055

(G) Obligations may be sold at public sale or at private 16056
sale, as determined in the bond proceedings. 16057

(H) Pending preparation of definitive obligations, the 16058
commissioners of the sinking fund may issue interim receipts or 16059
certificates which shall be exchanged for such definitive 16060
obligations. 16061

(I) In the discretion of the commissioners of the sinking 16062
fund, obligations may be secured additionally by a trust agreement 16063
or indenture between the commissioners and a corporate trustee, 16064
which may be any trust company or bank having its principal place 16065
of business within the state. Any such agreement or indenture may 16066
contain the resolution authorizing the issuance of the 16067
obligations, any provisions that may be contained in any bond 16068
proceedings, and other provisions that are customary or 16069
appropriate in an agreement or indenture of such type, including, 16070
but not limited to: 16071

(1) Maintenance of each pledge, trust agreement, indenture, 16072
or other instrument comprising part of the bond proceedings until 16073
the state has fully paid the bond service charges on the 16074
obligations secured thereby, or provision therefor has been made; 16075

(2) In the event of default in any payments required to be 16076
made by the bond proceedings, or any other agreement of the 16077
commissioners of the sinking fund made as a part of the contract 16078

under which the obligations were issued, enforcement of such 16079
payments or agreement by mandamus, the appointment of a receiver, 16080
suit in equity, action at law, or any combination of the 16081
foregoing; 16082

(3) The rights and remedies of the holders of obligations and 16083
of the trustee, and provisions for protecting and enforcing them, 16084
including limitations on rights of individual holders of 16085
obligations; 16086

(4) The replacement of any obligations that become mutilated 16087
or are destroyed, lost, or stolen; 16088

(5) Such other provisions as the trustee and the 16089
commissioners of the sinking fund agree upon, including 16090
limitations, conditions, or qualifications relating to any of the 16091
foregoing. 16092

(J) Any holder of obligations or a trustee under the bond 16093
proceedings, except to the extent that the holder's rights are 16094
restricted by the bond proceedings, may by any suitable form of 16095
legal proceedings protect and enforce any rights under the laws of 16096
this state or granted by such bond proceedings. Such rights 16097
include the right to compel the performance of all duties of the 16098
commissioners of the sinking fund, the ~~director of development~~ 16099
Ohio air quality development authority, or the Ohio coal 16100
development office required by this chapter and Chapter 1551. of 16101
the Revised Code or the bond proceedings; to enjoin unlawful 16102
activities; and in the event of default with respect to the 16103
payment of any bond service charges on any obligations or in the 16104
performance of any covenant or agreement on the part of the 16105
commissioners, the ~~director~~ authority, or the office in the bond 16106
proceedings, to apply to a court having jurisdiction of the cause 16107
to appoint a receiver to receive and administer the moneys 16108
pledged, other than those in the custody of the treasurer of 16109
state, that are pledged to the payment of the bond service charges 16110

on such obligations or that are the subject of the covenant or 16111
agreement, with full power to pay, and to provide for payment of 16112
bond service charges on, such obligations, and with such powers, 16113
subject to the direction of the court, as are accorded receivers 16114
in general equity cases, excluding any power to pledge additional 16115
revenues or receipts or other income or moneys of the 16116
commissioners of the sinking fund or the state or governmental 16117
agencies of the state to the payment of such principal and 16118
interest and excluding the power to take possession of, mortgage, 16119
or cause the sale or otherwise dispose of any project. 16120

Each duty of the commissioners of the sinking fund and their 16121
employees, and of each governmental agency and its officers, 16122
members, or employees, undertaken pursuant to the bond proceedings 16123
or any grant, loan, or loan guarantee agreement made under 16124
authority of this chapter, and in every agreement by or with the 16125
commissioners, is hereby established as a duty of the 16126
commissioners, and of each such officer, member, or employee 16127
having authority to perform such duty, specifically enjoined by 16128
the law resulting from an office, trust, or station within the 16129
meaning of section 2731.01 of the Revised Code. 16130

The persons who are at the time the commissioners of the 16131
sinking fund, or their employees, are not liable in their personal 16132
capacities on any obligations issued by the commissioners or any 16133
agreements of or with the commissioners. 16134

(K) Obligations issued under this section are lawful 16135
investments for banks, societies for savings, savings and loan 16136
associations, deposit guarantee associations, trust companies, 16137
trustees, fiduciaries, insurance companies, including domestic for 16138
life and domestic not for life, trustees or other officers having 16139
charge of sinking and bond retirement or other special funds of 16140
political subdivisions and taxing districts of this state, the 16141
commissioners of the sinking fund of the state, the administrator 16142

of workers' compensation, the state teachers retirement system, 16143
the public employees retirement system, the school employees 16144
retirement system, and the Ohio police and fire pension fund, 16145
notwithstanding any other provisions of the Revised Code or rules 16146
adopted pursuant thereto by any governmental agency of the state 16147
with respect to investments by them, and are also acceptable as 16148
security for the deposit of public moneys. 16149

(L) If the law or the instrument creating a trust pursuant to 16150
division (I) of this section expressly permits investment in 16151
direct obligations of the United States or an agency of the United 16152
States, unless expressly prohibited by the instrument, such moneys 16153
also may be invested in no-front-end-load money market mutual 16154
funds consisting exclusively of obligations of the United States 16155
or an agency of the United States and in repurchase agreements, 16156
including those issued by the fiduciary itself, secured by 16157
obligations of the United States or an agency of the United 16158
States; and in collective investment funds established in 16159
accordance with section 1111.14 of the Revised Code and consisting 16160
exclusively of any such securities, notwithstanding division 16161
(A)(1)(c) of that section. The income from such investments shall 16162
be credited to such funds as the commissioners of the sinking fund 16163
determine, and such investments may be sold at such times as the 16164
commissioners determine or authorize. 16165

(M) Provision may be made in the applicable bond proceedings 16166
for the establishment of separate accounts in the bond service 16167
fund and for the application of such accounts only to the 16168
specified bond service charges on obligations pertinent to such 16169
accounts and bond service fund and for other accounts therein 16170
within the general purposes of such fund. Moneys to the credit of 16171
the bond service fund shall be disbursed on the order of the 16172
treasurer of state; provided, that no such order is required for 16173
the payment from the bond service fund when due of bond service 16174

charges on obligations. 16175

(N) The commissioners of the sinking fund may pledge all, or 16176
such portion as they determine, of the receipts of the bond 16177
service fund to the payment of bond service charges on obligations 16178
issued under this section, and for the establishment and 16179
maintenance of any reserves, as provided in the bond proceedings, 16180
and make other provisions therein with respect to pledged receipts 16181
as authorized by this chapter, which provisions control 16182
notwithstanding any other provisions of law pertaining thereto. 16183

(O) The commissioners of the sinking fund may covenant in the 16184
bond proceedings, and any such covenants control notwithstanding 16185
any other provision of law, that the state and applicable officers 16186
and governmental agencies of the state, including the general 16187
assembly, so long as any obligations are outstanding, shall: 16188

(1) Maintain statutory authority for and cause to be levied 16189
and collected taxes so that the pledged receipts are sufficient in 16190
amount to meet bond service charges, and the establishment and 16191
maintenance of any reserves and other requirements provided for in 16192
the bond proceedings, and, as necessary, to meet covenants 16193
contained in any loan guarantees made under this chapter; 16194

(2) Take or permit no action, by statute or otherwise, that 16195
would impair the exemption from federal income taxation of the 16196
interest on the obligations. 16197

(P) All moneys received by or on account of the state and 16198
required by the applicable bond proceedings, consistent with this 16199
section, to be deposited, transferred, or credited to the coal 16200
research and development bond service fund, and all other moneys 16201
transferred or allocated to or received for the purposes of the 16202
fund, shall be credited to such fund and to any separate accounts 16203
therein, subject to applicable provisions of the bond proceedings, 16204
but without necessity for any act of appropriation. During the 16205

period beginning with the date of the first issuance of 16206
obligations and continuing during such time as any such 16207
obligations are outstanding, and so long as moneys in the bond 16208
service fund are insufficient to pay all bond service charges on 16209
such obligations becoming due in each year, a sufficient amount of 16210
moneys of the state are committed and shall be paid to the bond 16211
service fund in each year for the purpose of paying the bond 16212
service charges becoming due in that year without necessity for 16213
further act of appropriation for such purpose. The bond service 16214
fund is a trust fund and is hereby pledged to the payment of bond 16215
service charges to the extent provided in the applicable bond 16216
proceedings, and payment thereof from such fund shall be made or 16217
provided for by the treasurer of state in accordance with such 16218
bond proceedings without necessity for any act of appropriation. 16219
All investment earnings of the fund shall be credited to the fund. 16220

(Q) For purposes of establishing the limitations contained in 16221
Section 15 of Article VIII, Ohio Constitution, the "principal 16222
amount" refers to the aggregate of the offering price of the bonds 16223
or notes. "Principal amount" does not refer to the aggregate value 16224
at maturity or redemption of the bonds or notes. 16225

(R) This section applies only with respect to obligations 16226
issued and delivered prior to September 30, 2000. 16227

Sec. 1555.17. All final actions of the director of the Ohio 16228
coal development office shall be journalized and such journal 16229
shall be open to inspection of the public at all reasonable times. 16230
Any materials or data, to the extent that they consist of trade 16231
secrets, as defined in section 1333.61 of the Revised Code, or 16232
other proprietary information, that are submitted or made 16233
available to, or received by, the ~~director of development~~ Ohio air 16234
quality development authority or the director of the Ohio coal 16235
development office, in connection with agreements for assistance 16236

entered into under this chapter or Chapter ~~1555~~, 1551, of the 16237
Revised Code, or any information taken from those materials or 16238
data, are not public records for the ~~proposes~~ purposes of section 16239
149.43 of the Revised Code. 16240

Sec. 1563.42. The operator of a mine, before the pillars are 16241
drawn previous to the abandonment of any part of the mine, shall 16242
have a correct map of such part of the mine made, showing its area 16243
and workings to the day of the abandonment and the pillars drawn 16244
previous to abandonment, and file such map within ninety days 16245
after the abandonment of such mine, in the office of the county 16246
recorder of the county where such mine is located, and with the 16247
chief of the division of mineral resources management. Such map 16248
shall have attached the usual certificate of the mining engineer 16249
making it, and the mine foreperson in charge of the underground 16250
workings of the mine, and such operator shall pay to the recorder 16251
for filing such map, a base fee of five dollars for services and a 16252
housing trust fee of five dollars pursuant to section 317.36 of 16253
the Revised Code. 16254

No operator of a mine shall refuse or neglect to comply with 16255
this section. 16256

Sec. 1702.59. (A) Every nonprofit corporation, incorporated 16257
under the general corporation laws of this state, or previous 16258
laws, or under special provisions of the Revised Code, or created 16259
before September 1, 1851, which corporation has expressly or 16260
impliedly elected to be governed by the laws passed since that 16261
date, and whose articles or other documents are filed with the 16262
secretary of state, shall file with the secretary of state a 16263
verified statement of continued existence, signed by a director, 16264
officer, or three members in good standing, setting forth the 16265
corporate name, the place where the principal office of the 16266
corporation is located, the date of incorporation, the fact that 16267

the corporation is still actively engaged in exercising its 16268
corporate privileges, and the name and address of its agent 16269
appointed pursuant to section 1702.06 of the Revised Code. 16270

(B) Each corporation required to file a statement of 16271
continued existence shall file it with the secretary of state 16272
within each five years after the date of incorporation or of the 16273
last corporate filing. 16274

(C) Corporations specifically exempted by division (N) of 16275
section 1702.06 of the Revised Code, or whose activities are 16276
regulated or supervised by another state official, agency, bureau, 16277
department, or commission are exempted from this section. 16278

(D) The secretary of state shall give notice in writing and 16279
provide a form for compliance with this section to each 16280
corporation required by this section to file the statement of 16281
continued existence, such notice and form to be mailed to the last 16282
known address of the corporation as it appears on the records of 16283
the secretary of state or which the secretary of state may 16284
ascertain upon a reasonable search. 16285

(E) If any nonprofit corporation required by this section to 16286
file a statement of continued existence fails to file the 16287
statement required every fifth year, then the secretary of state 16288
shall cancel the articles of such corporation, make a notation of 16289
the cancellation on the records, and mail to the corporation a 16290
certificate of the action so taken. 16291

(F) A corporation whose articles have been canceled may be 16292
reinstated by filing an application for reinstatement and paying 16293
to the secretary of state the fee specified in division (Q) of 16294
section 111.16 of the Revised Code. The name of a corporation 16295
whose articles have been canceled shall be reserved for a period 16296
of one year after the date of cancellation. If the reinstatement 16297
is not made within one year from the date of the cancellation of 16298

its articles of incorporation and it appears that a corporate 16299
name, limited liability company name, limited liability 16300
partnership name, limited partnership name, or trade name has been 16301
filed, the name of which is not distinguishable upon the record as 16302
provided in section 1702.06 of the Revised Code, the applicant for 16303
reinstatement shall be required by the secretary of state, as a 16304
condition prerequisite to such reinstatement, to amend its 16305
articles by changing its name. A certificate of reinstatement may 16306
be filed in the recorder's office of any county in the state, for 16307
which the recorder shall charge and collect a base fee of one 16308
dollar for services and a housing trust fund fee of one dollar 16309
pursuant to section 317.36 of the Revised Code. The rights, 16310
privileges, and franchises of a corporation whose articles have 16311
been reinstated are subject to section 1702.60 of the Revised 16312
Code. 16313

(G) The secretary of state shall furnish the tax commissioner 16314
a list of all corporations failing to file the required statement 16315
of continued existence. 16316

Sec. 1711.13. County agricultural societies are hereby 16317
declared bodies corporate and politic, and as such they shall be 16318
capable of suing and being sued and of holding in fee simple any 16319
real estate purchased by them as sites for their fairs. They In 16320
addition, they may mortgage do either or both of the following: 16321

(A) Mortgage their grounds for the purpose of renewing or 16322
extending pre-existing debts, and for the purpose of furnishing 16323
money to purchase additional land, but if the board of county 16324
commissioners has caused money to be paid out of the county 16325
treasury to aid in the purchase of ~~such~~ the grounds, no mortgage 16326
shall be given without the consent of ~~such~~ the board. 16327

Deeds, conveyances, and agreements in writing, made to and by 16328
such societies, for the purchase of real estate as sites for their 16329

fairs, shall vest a title in fee simple to the real estate therein 16330
described in those documents, without words of inheritance. 16331

(B) Enter into agreements to obtain loans and credit for 16332
expenses related to the purposes of the county agricultural 16333
society, provided that the agreements are in writing and are first 16334
approved by the board of directors of the society. The total net 16335
indebtedness incurred by a county agricultural society pursuant to 16336
this division shall not exceed an amount equal to twenty-five per 16337
cent of its annual revenues. 16338

Sec. 1711.131. (A) The board of directors of a county 16339
agricultural society or an independent agricultural society may 16340
authorize by resolution an officer or employee of the agricultural 16341
society to use a credit card held by the board to pay for expenses 16342
related to the purposes of the agricultural society. If a board 16343
elects to authorize the use of a credit card held by the board as 16344
described in this section, the board first shall adopt a policy 16345
specifying the purposes for which the credit card may be used. 16346

(B) An officer or employee of an agricultural society who 16347
makes unauthorized use of a credit card held by the society's 16348
board of directors is personally liable for the unauthorized use. 16349
The prosecuting attorney of the appropriate county shall recover 16350
the amount of any unauthorized expenses incurred by the officer or 16351
employee through the misuse of the credit card in a civil action 16352
in any court of competent jurisdiction. This section does not 16353
limit any other liability of the officer or employee for the 16354
unauthorized use of a credit card held by the board of directors. 16355

(C) An officer or employee who is authorized to use a credit 16356
card held by the board of directors of an agricultural society and 16357
who suspects the loss, theft, or possibility of unauthorized use 16358
of the credit card immediately shall notify the board in writing 16359
of the suspected loss, theft, or possible unauthorized use. The 16360

officer or employee may be held personally liable for not more 16361
than fifty dollars in unauthorized debt incurred before the board 16362
receives the notification. 16363

(D) The misuse by an officer or employee of an agricultural 16364
society of a credit card held by the society's board of directors 16365
is a violation of section 2913.21 of the Revised Code. 16366

Sec. 1711.15. In any county in which there is a duly 16367
organized county agricultural society, the board of county 16368
commissioners or the county agricultural society itself may 16369
purchase or lease, for a term of not less than twenty years, real 16370
estate on which to hold fairs under the management and control of 16371
the county agricultural society, and may erect ~~thereon~~ suitable 16372
buildings on the real estate and otherwise improve it. 16373

In counties in which there is a county agricultural society 16374
that has purchased, or leased, for a term of not less than twenty 16375
years, real estate as a site on which to hold fairs or in which 16376
the title to the site is vested in fee in the county, the board of 16377
county commissioners may erect or repair buildings or otherwise 16378
improve the site and pay the rental ~~thereof~~ of it, or contribute 16379
to or pay any other form of indebtedness of the society, if the 16380
director of agriculture has certified to the board that the county 16381
agricultural society is complying with all laws and rules 16382
governing the operation of county agricultural societies. The 16383
board may appropriate from the general fund any amount that it 16384
considers necessary for any of those purposes. 16385

Sec. 1711.17. (A) In any counties in which there is a duly 16386
organized independent agricultural society, the respective boards 16387
of county commissioners may purchase or lease jointly, for a term 16388
of not less than twenty years, real estate on which to hold fairs 16389
under the management and control of the society, and may erect 16390

suitable buildings and otherwise improve the property, and pay the 16391
rental thereof, or contribute to or pay any other form of 16392
indebtedness of the society, if the director of agriculture has 16393
certified to the board that the independent agricultural society 16394
is complying with all laws and rules governing the operation of 16395
county agricultural societies. The boards may appropriate from 16396
their respective general funds such an amount as they consider 16397
necessary for any of those purposes. 16398

(B) An independent agricultural society may purchase or 16399
lease, for a term of not less than twenty years, real estate on 16400
which to hold fairs under its management and control and may erect 16401
suitable buildings on the real estate and otherwise improve it. 16402

Sec. 1751.05. (A) The superintendent of insurance shall issue 16403
or deny a certificate of authority to establish or operate a 16404
health insuring corporation to any corporation filing an 16405
application pursuant to section 1751.03 of the Revised Code within 16406
forty-five days of the superintendent's receipt of the 16407
certification from the director of health under division (C) of 16408
section 1751.04 of the Revised Code. A certificate of authority 16409
shall be issued upon payment of the application fee prescribed in 16410
section 1751.44 of the Revised Code if the superintendent is 16411
satisfied that the following conditions are met: 16412

(1) The persons responsible for the conduct of the affairs of 16413
the applicant are competent, trustworthy, and possess good 16414
reputations. 16415

(2) The director certifies, in accordance with division (C) 16416
of section 1751.04 of the Revised Code, that the organization's 16417
proposed plan of operation meets the requirements of division (B) 16418
of that section and sections 3702.51 to 3702.62 of the Revised 16419
Code. If, after the director has certified compliance, the 16420
application is amended in a manner that affects its approval under 16421

section 1751.04 of the Revised Code, the superintendent shall 16422
request the director to review and recertify the amended plan of 16423
operation. Within forty-five days of receipt of the amended plan 16424
from the superintendent, the director shall certify to the 16425
superintendent, pursuant to section 1751.04 of the Revised Code, 16426
whether or not the amended plan meets the requirements of section 16427
1751.04 of the Revised Code. The superintendent's forty-five-day 16428
review period shall cease to run as of the date on which the 16429
amended plan is transmitted to the director and shall remain 16430
suspended until the superintendent receives a new certification 16431
from the director. 16432

(3) The applicant constitutes an appropriate mechanism to 16433
effectively provide or arrange for the provision of the basic 16434
health care services, supplemental health care services, or 16435
specialty health care services to be provided to enrollees. 16436

(4) The applicant is financially responsible, complies with 16437
section 1751.28 of the Revised Code, and may reasonably be 16438
expected to meet its obligations to enrollees and prospective 16439
enrollees. In making this determination, the superintendent may 16440
consider: 16441

(a) The financial soundness of the applicant's arrangements 16442
for health care services, including the applicant's proposed 16443
contractual periodic prepayments or premiums and the use of 16444
copayments and deductibles; 16445

(b) The adequacy of working capital; 16446

(c) Any agreement with an insurer, a government, or any other 16447
person for insuring the payment of the cost of health care 16448
services or providing for automatic applicability of an 16449
alternative coverage in the event of discontinuance of the health 16450
insuring corporation's operations; 16451

(d) Any agreement with providers or health care facilities 16452

for the provision of health care services; 16453

(e) Any deposit of securities submitted in accordance with 16454
section 1751.27 of the Revised Code as a guarantee that the 16455
obligations will be performed. 16456

(5) The applicant has submitted documentation of an 16457
arrangement to provide health care services to its enrollees until 16458
the expiration of the enrollees' contracts with the applicant if a 16459
health care plan or the operations of the health insuring 16460
corporation are discontinued prior to the expiration of the 16461
enrollees' contracts. An arrangement to provide health care 16462
services may be made by using any one, or any combination, of the 16463
following methods: 16464

(a) The maintenance of insolvency insurance; 16465

(b) A provision in contracts with providers and health care 16466
facilities, but no health insuring corporation shall rely solely 16467
on such a provision for more than thirty days; 16468

(c) An agreement with other health insuring corporations or 16469
insurers, providing enrollees with automatic conversion rights 16470
upon the discontinuation of a health care plan or the health 16471
insuring corporation's operations; 16472

(d) Such other methods as approved by the superintendent. 16473

(6) Nothing in the applicant's proposed method of operation, 16474
as shown by the information submitted pursuant to section 1751.03 16475
of the Revised Code or by independent investigation, will cause 16476
harm to an enrollee or to the public at large, as determined by 16477
the superintendent. 16478

(7) Any deficiencies certified by the director have been 16479
corrected. 16480

(8) The applicant has deposited securities as set forth in 16481
section 1751.27 of the Revised Code. 16482

(B) If an applicant elects to fulfill the requirements of 16483
division (A)(5) of this section through an agreement with other 16484
health insuring corporations or insurers, the agreement shall 16485
require those health insuring corporations or insurers to give 16486
thirty days' notice to the superintendent prior to cancellation or 16487
discontinuation of the agreement for any reason. 16488

(C) A certificate of authority shall be denied only after 16489
compliance with the requirements of section 1751.36 of the Revised 16490
Code. 16491

Sec. 1751.11. (A) Every subscriber of a health insuring 16492
corporation is entitled to an evidence of coverage for the health 16493
care plan under which health care benefits are provided. 16494

(B) Every subscriber of a health insuring corporation that 16495
offers basic health care services is entitled to an identification 16496
card or similar document that specifies the health insuring 16497
corporation's name as stated in its articles of incorporation, and 16498
any trade or fictitious names used by the health insuring 16499
corporation. The identification card or document shall list at 16500
least one toll-free telephone number that provides the subscriber 16501
with access, to information on a twenty-four-hours-per-day, 16502
seven-days-per-week basis, as to how health care services may be 16503
obtained. The identification card or document shall also list at 16504
least one toll-free number that, during normal business hours, 16505
provides the subscriber with access to information on the coverage 16506
available under the subscriber's health care plan and information 16507
on the health care plan's internal and external review processes. 16508

(C) No evidence of coverage, or amendment to the evidence of 16509
coverage, shall be delivered, issued for delivery, renewed, or 16510
used, until the form of the evidence of coverage or amendment has 16511
been filed by the health insuring corporation with the 16512
superintendent of insurance. If the superintendent does not 16513

disapprove the evidence of coverage or amendment within sixty days 16514
after it is filed it shall be deemed approved, unless the 16515
superintendent sooner gives approval for the evidence of coverage 16516
or amendment. With respect to an amendment to an approved evidence 16517
of coverage, the superintendent only may disapprove provisions 16518
amended or added to the evidence of coverage. If the 16519
superintendent determines within the sixty-day period that any 16520
evidence of coverage or amendment fails to meet the requirements 16521
of this section, the superintendent shall so notify the health 16522
insuring corporation and it shall be unlawful for the health 16523
insuring corporation to use such evidence of coverage or 16524
amendment. At any time, the superintendent, upon at least thirty 16525
days' written notice to a health insuring corporation, may 16526
withdraw an approval, deemed or actual, of any evidence of 16527
coverage or amendment on any of the grounds stated in this 16528
section. Such disapproval shall be effected by a written order, 16529
which shall state the grounds for disapproval and shall be issued 16530
in accordance with Chapter 119. of the Revised Code. 16531

(D) No evidence of coverage or amendment shall be delivered, 16532
issued for delivery, renewed, or used: 16533

(1) If it contains provisions or statements that are 16534
inequitable, untrue, misleading, or deceptive; 16535

(2) Unless it contains a clear, concise, and complete 16536
statement of the following: 16537

(a) The health care services and insurance or other benefits, 16538
if any, to which an enrollee is entitled under the health care 16539
plan; 16540

(b) Any exclusions or limitations on the health care 16541
services, type of health care services, benefits, or type of 16542
benefits to be provided, including copayments and deductibles; 16543

(c) An enrollee's personal financial obligation for 16544

noncovered services;	16545
(d) Where and in what manner general information and	16546
information as to how health care services may be obtained is	16547
available, including a toll-free telephone number;	16548
(e) The premium rate with respect to individual and	16549
conversion contracts, and relevant copayment <u>and deductible</u>	16550
provisions with respect to all contracts. The statement of the	16551
premium rate, however, may be contained in a separate insert.	16552
(f) The method utilized by the health insuring corporation	16553
for resolving enrollee complaints;	16554
(g) The utilization review, internal review, and external	16555
review procedures established under sections 1751.77 to 1751.85 of	16556
the Revised Code.	16557
(3) Unless it provides for the continuation of an enrollee's	16558
coverage, in the event that the enrollee's coverage under the	16559
group policy, contract, certificate, or agreement terminates while	16560
the enrollee is receiving inpatient care in a hospital. This	16561
continuation of coverage shall terminate at the earliest	16562
occurrence of any of the following:	16563
(a) The enrollee's discharge from the hospital;	16564
(b) The determination by the enrollee's attending physician	16565
that inpatient care is no longer medically indicated for the	16566
enrollee; however, nothing in division (D)(3)(b) of this section	16567
precludes a health insuring corporation from engaging in	16568
utilization review as described in the evidence of coverage.	16569
(c) The enrollee's reaching the limit for contractual	16570
benefits;	16571
(d) The effective date of any new coverage.	16572
(4) Unless it contains a provision that states, in substance,	16573
that the health insuring corporation is not a member of any	16574

guaranty fund, and that in the event of the health insuring 16575
corporation's insolvency, an enrollee is protected only to the 16576
extent that the hold harmless provision required by section 16577
1751.13 of the Revised Code applies to the health care services 16578
rendered; 16579

(5) Unless it contains a provision that states, in substance, 16580
that in the event of the insolvency of the health insuring 16581
corporation, an enrollee may be financially responsible for health 16582
care services rendered by a provider or health care facility that 16583
is not under contract to the health insuring corporation, whether 16584
or not the health insuring corporation authorized the use of the 16585
provider or health care facility. 16586

(E) Notwithstanding divisions (C) and (D) of this section, a 16587
health insuring corporation may use an evidence of coverage that 16588
provides for the coverage of beneficiaries enrolled in Title XVIII 16589
of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 16590
301, as amended, pursuant to a medicare contract, or an evidence 16591
of coverage that provides for the coverage of beneficiaries 16592
enrolled in the federal employees health benefits program pursuant 16593
to 5 U.S.C.A. 8905, or an evidence of coverage that provides for 16594
the coverage of beneficiaries enrolled in Title XIX of the "Social 16595
Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended, 16596
known as the medical assistance program or medicaid, provided by 16597
the Ohio department of job and family services under Chapter 5111. 16598
of the Revised Code, or an evidence of coverage that provides for 16599
the coverage of beneficiaries under any other federal health care 16600
program regulated by a federal regulatory body, or an evidence of 16601
coverage that provides for the coverage of beneficiaries under any 16602
contract covering officers or employees of the state that has been 16603
entered into by the department of administrative services, if both 16604
of the following apply: 16605

(1) The evidence of coverage has been approved by the United 16606

States department of health and human services, the United States 16607
office of personnel management, the Ohio department of job and 16608
family services, or the department of administrative services. 16609

(2) The evidence of coverage is filed with the superintendent 16610
of insurance prior to use and is accompanied by documentation of 16611
approval from the United States department of health and human 16612
services, the United States office of personnel management, the 16613
Ohio department of job and family services, or the department of 16614
administrative services. 16615

Sec. 1751.12. (A)(1) No contractual periodic prepayment and 16616
no premium rate for nongroup and conversion policies for health 16617
care services, or any amendment to them, may be used by any health 16618
insuring corporation at any time until the contractual periodic 16619
prepayment and premium rate, or amendment, have been filed with 16620
the superintendent of insurance, and shall not be effective until 16621
the expiration of sixty days after their filing unless the 16622
superintendent sooner gives approval. The filing shall be 16623
accompanied by an actuarial certification in the form prescribed 16624
by the superintendent. The superintendent shall disapprove the 16625
filing, if the superintendent determines within the sixty-day 16626
period that the contractual periodic prepayment or premium rate, 16627
or amendment, is not in accordance with sound actuarial principles 16628
or is not reasonably related to the applicable coverage and 16629
characteristics of the applicable class of enrollees. The 16630
superintendent shall notify the health insuring corporation of the 16631
disapproval, and it shall thereafter be unlawful for the health 16632
insuring corporation to use the contractual periodic prepayment or 16633
premium rate, or amendment. 16634

(2) No contractual periodic prepayment for group policies for 16635
health care services shall be used until the contractual periodic 16636
prepayment has been filed with the superintendent. The filing 16637

shall be accompanied by an actuarial certification in the form 16638
prescribed by the superintendent. The superintendent may reject a 16639
filing made under division (A)(2) of this section at any time, 16640
with at least thirty days' written notice to a health insuring 16641
corporation, if the contractual periodic prepayment is not in 16642
accordance with sound actuarial principles or is not reasonably 16643
related to the applicable coverage and characteristics of the 16644
applicable class of enrollees. 16645

(3) At any time, the superintendent, upon at least thirty 16646
days' written notice to a health insuring corporation, may 16647
withdraw the approval given under division (A)(1) of this section, 16648
deemed or actual, of any contractual periodic prepayment or 16649
premium rate, or amendment, based on information that either of 16650
the following applies: 16651

(a) The contractual periodic prepayment or premium rate, or 16652
amendment, is not in accordance with sound actuarial principles. 16653

(b) The contractual periodic prepayment or premium rate, or 16654
amendment, is not reasonably related to the applicable coverage 16655
and characteristics of the applicable class of enrollees. 16656

(4) Any disapproval under division (A)(1) of this section, 16657
any rejection of a filing made under division (A)(2) of this 16658
section, or any withdrawal of approval under division (A)(3) of 16659
this section, shall be effected by a written notice, which shall 16660
state the specific basis for the disapproval, rejection, or 16661
withdrawal and shall be issued in accordance with Chapter 119. of 16662
the Revised Code. 16663

(B) Notwithstanding division (A) of this section, a health 16664
insuring corporation may use a contractual periodic prepayment or 16665
premium rate for policies used for the coverage of beneficiaries 16666
enrolled in Title XVIII of the "Social Security Act," 49 Stat. 620 16667
(1935), 42 U.S.C.A. 301, as amended, pursuant to a medicare risk 16668

contract or medicare cost contract, or for policies used for the 16669
coverage of beneficiaries enrolled in the federal employees health 16670
benefits program pursuant to 5 U.S.C.A. 8905, or for policies used 16671
for the coverage of beneficiaries enrolled in Title XIX of the 16672
"Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as 16673
amended, known as the medical assistance program or medicaid, 16674
provided by the department of job and family services under 16675
Chapter 5111. of the Revised Code, or for policies used for the 16676
coverage of beneficiaries under any other federal health care 16677
program regulated by a federal regulatory body, or for policies 16678
used for the coverage of beneficiaries under any contract covering 16679
officers or employees of the state that has been entered into by 16680
the department of administrative services, if both of the 16681
following apply: 16682

(1) The contractual periodic prepayment or premium rate has 16683
been approved by the United States department of health and human 16684
services, the United States office of personnel management, the 16685
department of job and family services, or the department of 16686
administrative services. 16687

(2) The contractual periodic prepayment or premium rate is 16688
filed with the superintendent prior to use and is accompanied by 16689
documentation of approval from the United States department of 16690
health and human services, the United States office of personnel 16691
management, the department of job and family services, or the 16692
department of administrative services. 16693

(C) The administrative expense portion of all contractual 16694
periodic prepayment or premium rate filings submitted to the 16695
superintendent for review must reflect the actual cost of 16696
administering the product. The superintendent may require that the 16697
administrative expense portion of the filings be itemized and 16698
supported. 16699

(D)(1) Copayments must be reasonable and must not be a 16700

barrier to the necessary utilization of services by enrollees. 16701

(2) A health insuring corporation, in order to ensure that 16702
copayments are reasonable and not a barrier to the necessary 16703
utilization of basic health care services by enrollees, may ~~not~~ 16704
~~impose~~ do one of the following: 16705

(a) Impose copayment charges on any single covered basic 16706
health care ~~services~~ service that does not exceed ~~thirty~~ forty per 16707
cent of the ~~total~~ average cost to the health insuring corporation 16708
of providing ~~any single covered health care~~ the service, ~~except~~ 16709
~~for physician office visits, emergency health services, and urgent~~ 16710
~~care services.~~ 16711

(b) Impose copayment charges that annually do not exceed 16712
twenty per cent of the total annual cost to the health insuring 16713
corporation of providing all covered basic health care services, 16714
including physician office visits, urgent care services, and 16715
emergency health services, when aggregated as to all persons 16716
covered under the filed product in question. In addition, annual 16717
copayment charges as to each enrollee shall not exceed twenty per 16718
cent of the total annual cost to the health insuring corporation 16719
of providing all covered basic health care services, including 16720
physician office visits, urgent care services, and emergency 16721
health services, as to such enrollee. The total annual cost of 16722
providing a health care service is the cost to the health insuring 16723
corporation of providing the health care service to its enrollees 16724
as reduced by any applicable provider discount. ~~An open panel plan~~ 16725
~~may not impose copayments on out of network benefits that exceed~~ 16726
~~fifty per cent of the total cost of providing any single covered~~ 16727
~~health care service.~~ 16728

(3) To ensure that copayments are reasonable and not a 16729
barrier to the utilization of basic health care services, a health 16730
insuring corporation may not impose, in any contract year, on any 16731
subscriber or enrollee, copayments that exceed two hundred per 16732

cent of the ~~total~~ average annual premium rate to the ~~subscriber~~ 16733
subscribers or enrollees. This ~~limitation of two hundred per cent~~ 16734
~~does not include any reasonable copayments that are not a barrier~~ 16735
~~to the necessary utilization of health care services by enrollees~~ 16736
~~and that are imposed on physician office visits, emergency health~~ 16737
~~services, urgent care services, supplemental health care services,~~ 16738
~~or specialty health care services.~~ 16739

(E) A health insuring corporation shall not impose lifetime 16740
maximums on basic health care services. However, a health insuring 16741
corporation may establish a benefit limit for inpatient hospital 16742
services that are provided pursuant to a policy, contract, 16743
certificate, or agreement for supplemental health care services. 16744

(F) A health insuring corporation may require that an 16745
enrollee pay an annual deductible that does not exceed one 16746
thousand dollars per enrollee or two thousand dollars per family. 16747
The superintendent may adopt rules defining different annual 16748
deductible amounts for plans with an employer-sponsored medical 16749
savings account, health reimbursement arrangement, or flexible 16750
spending account. 16751

Sec. 1751.13. (A)(1)(a) A health insuring corporation shall, 16752
either directly or indirectly, enter into contracts for the 16753
provision of health care services with a sufficient number and 16754
types of providers and health care facilities to ensure that all 16755
covered health care services will be accessible to enrollees from 16756
a contracted provider or health care facility. 16757

(b) A health insuring corporation shall not refuse to 16758
contract with a physician for the provision of health care 16759
services or refuse to recognize a physician as a specialist on the 16760
basis that the physician attended an educational program or a 16761
residency program approved or certified by the American 16762
osteopathic association. A health insuring corporation shall not 16763

refuse to contract with a health care facility for the provision 16764
of health care services on the basis that the health care facility 16765
is certified or accredited by the American osteopathic association 16766
or that the health care facility is an osteopathic hospital as 16767
defined in section 3702.51 of the Revised Code. 16768

(c) Nothing in division (A)(1)(b) of this section shall be 16769
construed to require a health insuring corporation to make a 16770
benefit payment under a closed panel plan to a physician or health 16771
care facility with which the health insuring corporation does not 16772
have a contract, provided that none of the bases set forth in that 16773
division are used as a reason for failing to make a benefit 16774
payment. 16775

(2) When a health insuring corporation is unable to provide a 16776
covered health care service from a contracted provider or health 16777
care facility, the health insuring corporation must provide that 16778
health care service from a noncontracted provider or health care 16779
facility consistent with the terms of the enrollee's policy, 16780
contract, certificate, or agreement. The health insuring 16781
corporation shall either ensure that the health care service be 16782
provided at no greater cost to the enrollee than if the enrollee 16783
had obtained the health care service from a contracted provider or 16784
health care facility, or make other arrangements acceptable to the 16785
superintendent of insurance. 16786

(3) Nothing in this section shall prohibit a health insuring 16787
corporation from entering into contracts with out-of-state 16788
providers or health care facilities that are licensed, certified, 16789
accredited, or otherwise authorized in that state. 16790

(B)(1) A health insuring corporation shall, either directly 16791
or indirectly, enter into contracts with all providers and health 16792
care facilities through which health care services are provided to 16793
its enrollees. 16794

(2) A health insuring corporation, upon written request, 16795
shall assist its contracted providers in finding stop-loss or 16796
reinsurance carriers. 16797

(C) A health insuring corporation shall file an annual 16798
certificate with the superintendent certifying that all provider 16799
contracts and contracts with health care facilities through which 16800
health care services are being provided contain the following: 16801

(1) A description of the method by which the provider or 16802
health care facility will be notified of the specific health care 16803
services for which the provider or health care facility will be 16804
responsible, including any limitations or conditions on such 16805
services; 16806

(2) The specific hold harmless provision specifying 16807
protection of enrollees set forth as follows: 16808

"[Provider/Health Care Facility] agrees that in no event, 16809
including but not limited to nonpayment by the health insuring 16810
corporation, insolvency of the health insuring corporation, or 16811
breach of this agreement, shall [Provider/Health Care Facility] 16812
bill, charge, collect a deposit from, seek remuneration or 16813
reimbursement from, or have any recourse against, a subscriber, 16814
enrollee, person to whom health care services have been provided, 16815
or person acting on behalf of the covered enrollee, for health 16816
care services provided pursuant to this agreement. This does not 16817
prohibit [Provider/Health Care Facility] from collecting 16818
co-insurance, deductibles, or copayments as specifically provided 16819
in the evidence of coverage, or fees for uncovered health care 16820
services delivered on a fee-for-service basis to persons 16821
referenced above, nor from any recourse against the health 16822
insuring corporation or its successor." 16823

(3) Provisions requiring the provider or health care facility 16824
to continue to provide covered health care services to enrollees 16825

in the event of the health insuring corporation's insolvency or 16826
discontinuance of operations. The provisions shall require the 16827
provider or health care facility to continue to provide covered 16828
health care services to enrollees as needed to complete any 16829
medically necessary procedures commenced but unfinished at the 16830
time of the health insuring corporation's insolvency or 16831
discontinuance of operations. The completion of a medically 16832
necessary procedure shall include the rendering of all covered 16833
health care services that constitute medically necessary follow-up 16834
care for that procedure. If an enrollee is receiving necessary 16835
inpatient care at a hospital, the provisions may limit the 16836
required provision of covered health care services relating to 16837
that inpatient care in accordance with division (D)(3) of section 16838
1751.11 of the Revised Code, and may also limit such required 16839
provision of covered health care services to the period ending 16840
thirty days after the health insuring corporation's insolvency or 16841
discontinuance of operations. 16842

The provisions required by division (C)(3) of this section 16843
shall not require any provider or health care facility to continue 16844
to provide any covered health care service after the occurrence of 16845
any of the following: 16846

(a) The end of the thirty-day period following the entry of a 16847
liquidation order under Chapter 3903. of the Revised Code; 16848

(b) The end of the enrollee's period of coverage for a 16849
contractual prepayment or premium; 16850

(c) The enrollee obtains equivalent coverage with another 16851
health insuring corporation or insurer, or the enrollee's employer 16852
obtains such coverage for the enrollee; 16853

(d) The enrollee or the enrollee's employer terminates 16854
coverage under the contract; 16855

(e) A liquidator effects a transfer of the health insuring 16856

corporation's obligations under the contract under division (A)(8) 16857
of section 3903.21 of the Revised Code. 16858

(4) A provision clearly stating the rights and 16859
responsibilities of the health insuring corporation, and of the 16860
contracted providers and health care facilities, with respect to 16861
administrative policies and programs, including, but not limited 16862
to, payments systems, utilization review, quality assurance, 16863
assessment, and improvement programs, credentialing, 16864
confidentiality requirements, and any applicable federal or state 16865
programs; 16866

(5) A provision regarding the availability and 16867
confidentiality of those health records maintained by providers 16868
and health care facilities to monitor and evaluate the quality of 16869
care, to conduct evaluations and audits, and to determine on a 16870
concurrent or retrospective basis the necessity of and 16871
appropriateness of health care services provided to enrollees. The 16872
provision shall include terms requiring the provider or health 16873
care facility to make these health records available to 16874
appropriate state and federal authorities involved in assessing 16875
the quality of care or in investigating the grievances or 16876
complaints of enrollees, and requiring the provider or health care 16877
facility to comply with applicable state and federal laws related 16878
to the confidentiality of medical or health records. 16879

(6) A provision that states that contractual rights and 16880
responsibilities may not be assigned or delegated by the provider 16881
or health care facility without the prior written consent of the 16882
health insuring corporation; 16883

(7) A provision requiring the provider or health care 16884
facility to maintain adequate professional liability and 16885
malpractice insurance. The provision shall also require the 16886
provider or health care facility to notify the health insuring 16887
corporation not more than ten days after the provider's or health 16888

care facility's receipt of notice of any reduction or cancellation 16889
of such coverage. 16890

(8) A provision requiring the provider or health care 16891
facility to observe, protect, and promote the rights of enrollees 16892
as patients; 16893

(9) A provision requiring the provider or health care 16894
facility to provide health care services without discrimination on 16895
the basis of a patient's participation in the health care plan, 16896
age, sex, ethnicity, religion, sexual preference, health status, 16897
or disability, and without regard to the source of payments made 16898
for health care services rendered to a patient. This requirement 16899
shall not apply to circumstances when the provider or health care 16900
facility appropriately does not render services due to limitations 16901
arising from the provider's or health care facility's lack of 16902
training, experience, or skill, or due to licensing restrictions. 16903

(10) A provision containing the specifics of any obligation 16904
on the primary care provider to provide, or to arrange for the 16905
provision of, covered health care services twenty-four hours per 16906
day, seven days per week; 16907

(11) A provision setting forth procedures for the resolution 16908
of disputes arising out of the contract; 16909

(12) A provision stating that the hold harmless provision 16910
required by division (C)(2) of this section shall survive the 16911
termination of the contract with respect to services covered and 16912
provided under the contract during the time the contract was in 16913
effect, regardless of the reason for the termination, including 16914
the insolvency of the health insuring corporation; 16915

(13) A provision requiring those terms that are used in the 16916
contract and that are defined by this chapter, be used in the 16917
contract in a manner consistent with those definitions. 16918

This division does not apply to the coverage of beneficiaries 16919

enrolled in Title XVIII of the "Social Security Act," 49 Stat. 620 16920
(1935), 42 U.S.C.A. 301, as amended, pursuant to a medicare risk 16921
contract or medicare cost contract, or to the coverage of 16922
beneficiaries enrolled in the federal employee health benefits 16923
program pursuant to 5 U.S.C.A. 8905, or to the coverage of 16924
beneficiaries enrolled in Title XIX of the "Social Security Act," 16925
49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended, known as the 16926
medical assistance program or medicaid, provided by the department 16927
of job and family services under Chapter 5111. of the Revised 16928
Code, or to the coverage of beneficiaries under any federal health 16929
care program regulated by a federal regulatory body, or to the 16930
coverage of beneficiaries under any contract covering officers or 16931
employees of the state that has been entered into by the 16932
department of administrative services. 16933

(D)(1) No health insuring corporation contract with a 16934
provider or health care facility shall contain any of the 16935
following: 16936

(a) A provision that directly or indirectly offers an 16937
inducement to the provider or health care facility to reduce or 16938
limit medically necessary health care services to a covered 16939
enrollee; 16940

(b) A provision that penalizes a provider or health care 16941
facility that assists an enrollee to seek a reconsideration of the 16942
health insuring corporation's decision to deny or limit benefits 16943
to the enrollee; 16944

(c) A provision that limits or otherwise restricts the 16945
provider's or health care facility's ethical and legal 16946
responsibility to fully advise enrollees about their medical 16947
condition and about medically appropriate treatment options; 16948

(d) A provision that penalizes a provider or health care 16949
facility for principally advocating for medically necessary health 16950

care services; 16951

(e) A provision that penalizes a provider or health care 16952
facility for providing information or testimony to a legislative 16953
or regulatory body or agency. This shall not be construed to 16954
prohibit a health insuring corporation from penalizing a provider 16955
or health care facility that provides information or testimony 16956
that is libelous or slanderous or that discloses trade secrets 16957
which the provider or health care facility has no privilege or 16958
permission to disclose. 16959

(2) Nothing in this division shall be construed to prohibit a 16960
health insuring corporation from doing either of the following: 16961

(a) Making a determination not to reimburse or pay for a 16962
particular medical treatment or other health care service; 16963

(b) Enforcing reasonable peer review or utilization review 16964
protocols, or determining whether a particular provider or health 16965
care facility has complied with these protocols. 16966

(E) Any contract between a health insuring corporation and an 16967
intermediary organization shall clearly specify that the health 16968
insuring corporation must approve or disapprove the participation 16969
of any provider or health care facility with which the 16970
intermediary organization contracts. 16971

(F) If an intermediary organization that is not a health 16972
delivery network contracting solely with self-insured employers 16973
subcontracts with a provider or health care facility, the 16974
subcontract with the provider or health care facility shall do all 16975
of the following: 16976

(1) Contain the provisions required by divisions (C) and (G) 16977
of this section, as made applicable to an intermediary 16978
organization, without the inclusion of inducements or penalties 16979
described in division (D) of this section; 16980

(2) Acknowledge that the health insuring corporation is a third-party beneficiary to the agreement; 16981
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(3) Acknowledge the health insuring corporation's role in approving the participation of the provider or health care facility, pursuant to division (E) of this section. 16983
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(G) Any provider contract or contract with a health care facility shall clearly specify the health insuring corporation's statutory responsibility to monitor and oversee the offering of covered health care services to its enrollees. 16986
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(H)(1) A health insuring corporation shall maintain its provider contracts and its contracts with health care facilities at one or more of its places of business in this state, and shall provide copies of these contracts to facilitate regulatory review upon written notice by the superintendent of insurance. 16990
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(2) Any contract with an intermediary organization that accepts compensation shall include provisions requiring the intermediary organization to provide the superintendent with regulatory access to all books, records, financial information, and documents related to the provision of health care services to subscribers and enrollees under the contract. The contract shall require the intermediary organization to maintain such books, records, financial information, and documents at its principal place of business in this state and to preserve them for at least three years in a manner that facilitates regulatory review. 16995
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(I)(1) A health insuring corporation shall notify its affected enrollees of the termination of a contract for the provision of health care services between the health insuring corporation and a primary care physician or hospital, by mail, within thirty days after the termination of the contract. 17005
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(a) Notice shall be given to subscribers of the termination of a contract with a primary care physician if the subscriber, or 17010
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a dependent covered under the subscriber's health care coverage, 17012
has received health care services from the primary care physician 17013
within the previous twelve months or if the subscriber or 17014
dependent has selected the physician as the subscriber's or 17015
dependent's primary care physician within the previous twelve 17016
months. 17017

(b) Notice shall be given to subscribers of the termination 17018
of a contract with a hospital if the subscriber, or a dependent 17019
covered under the subscriber's health care coverage, has received 17020
health care services from that hospital within the previous twelve 17021
months. 17022

(2) The health insuring corporation shall pay, in accordance 17023
with the terms of the contract, for all covered health care 17024
services rendered to an enrollee by a primary care physician or 17025
hospital between the date of the termination of the contract and 17026
five days after the notification of the contract termination is 17027
mailed to a subscriber at the subscriber's last known address. 17028

(J) Divisions (A) and (B) of this section do not apply to any 17029
health insuring corporation that, on June 4, 1997, holds a 17030
certificate of authority or license to operate under Chapter 1740. 17031
of the Revised Code. 17032

(K) Nothing in this section shall restrict the governing body 17033
of a hospital from exercising the authority granted it pursuant to 17034
section 3701.351 of the Revised Code. 17035

Sec. 1751.16. (A) Except as provided in division (F) of this 17036
section, every group contract issued by a health insuring 17037
corporation shall provide an option for conversion to an 17038
individual contract issued on a direct-payment basis to any 17039
subscriber covered by the group contract who terminates employment 17040
or membership in the group, unless: 17041

(1) Termination of the conversion option or contract is based 17042
upon nonpayment of premium after reasonable notice in writing has 17043
been given by the health insuring corporation to the subscriber. 17044

(2) The subscriber is, or is eligible to be, covered for 17045
benefits at least comparable to the group contract under any of 17046
the following: 17047

(a) Title XVIII of the "Social Security Act," 49 Stat. 620 17048
(1935), 42 U.S.C.A. 301, as amended; 17049

(b) Any act of congress or law under this or any other state 17050
of the United States providing coverage at least comparable to the 17051
benefits under division (A)(2)(a) of this section; 17052

(c) Any policy of insurance or health care plan providing 17053
coverage at least comparable to the benefits under division 17054
(A)(2)(a) of this section. 17055

(B)(1) The direct-payment contract offered by the health 17056
insuring corporation pursuant to division (A) of this section 17057
shall provide the following: 17058

(a) In the case of an individual who is not a federally 17059
eligible individual, benefits comparable to benefits in any of the 17060
individual contracts then being issued to individual subscribers 17061
by the health insuring corporation; 17062

(b) In the case of a federally eligible individual, a basic 17063
and standard plan established by the board of directors of the 17064
Ohio health reinsurance program or plans substantially similar to 17065
the basic and standard plan in benefit design and scope of covered 17066
services. For purposes of division (B)(1)(b) of this section, the 17067
superintendent of insurance shall determine whether a plan is 17068
substantially similar to the basic or standard plan in benefit 17069
design and scope of covered services. The contractual periodic 17070
prepayments charged for such plans may not exceed an amount that 17071

is two times the midpoint of the standard rate charged any other 17072
individual of a group to which the organization is currently 17073
accepting new business and for which similar copayments and 17074
deductibles are applied. 17075

(2) The direct payment contract offered pursuant to division 17076
(A) of this section may include a coordination of benefits 17077
provision as approved by the superintendent. 17078

(3) For purposes of division (B) of this section "federally 17079
eligible individual" means an eligible individual as defined in 45 17080
C.F.R. 148.103. 17081

(C) The option for conversion shall be available: 17082

(1) Upon the death of the subscriber, to the surviving spouse 17083
with respect to such of the spouse and dependents as are then 17084
covered by the group contract; 17085

(2) To a child solely with respect to the child upon the 17086
child's attaining the limiting age of coverage under the group 17087
contract while covered as a dependent under the contract; 17088

(3) Upon the divorce, dissolution, or annulment of the 17089
marriage of the subscriber, to the divorced spouse, or, in the 17090
event of annulment, to the former spouse of the subscriber. 17091

(D) No health insuring corporation shall use age as the basis 17092
for refusing to renew a converted contract. 17093

(E) Written notice of the conversion option provided by this 17094
section shall be given to the subscriber by the health insuring 17095
corporation by mail. The notice shall be sent to the subscriber's 17096
address in the records of the employer upon receipt of notice from 17097
the employer of the event giving rise to the conversion option. If 17098
the subscriber has not received notice of the conversion privilege 17099
at least fifteen days prior to the expiration of the thirty-day 17100
conversion period, then the subscriber shall have an additional 17101

period within which to exercise the privilege. This additional 17102
period shall expire fifteen days after the subscriber receives 17103
notice, but in no event shall the period extend beyond sixty days 17104
after the expiration of the thirty-day conversion period. 17105

(F) This section does not apply to any group contract 17106
offering only supplemental health care services or specialty 17107
health care services. 17108

Sec. 1751.60. (A) Except as provided for in divisions (E) and 17109
(F) of this section, every provider or health care facility that 17110
contracts with a health insuring corporation to provide health 17111
care services to the health insuring corporation's enrollees or 17112
subscribers shall seek compensation for covered services solely 17113
from the health insuring corporation and not, under any 17114
circumstances, from the enrollees or subscribers, except for 17115
approved copayments and deductibles. 17116

(B) No subscriber or enrollee of a health insuring 17117
corporation is liable to any contracting provider or health care 17118
facility for the cost of any covered health care services, if the 17119
subscriber or enrollee has acted in accordance with the evidence 17120
of coverage. 17121

(C) Except as provided for in divisions (E) and (F) of this 17122
section, every contract between a health insuring corporation and 17123
provider or health care facility shall contain a provision 17124
approved by the superintendent of insurance requiring the provider 17125
or health care facility to seek compensation solely from the 17126
health insuring corporation and not, under any circumstances, from 17127
the subscriber or enrollee, except for approved copayments and 17128
deductibles. 17129

(D) Nothing in this section shall be construed as preventing 17130
a provider or health care facility from billing the enrollee or 17131
subscriber of a health insuring corporation for noncovered 17132

services. 17133

(E) Upon application by a health insuring corporation and a 17134
provider or health care facility, the superintendent may waive the 17135
requirements of divisions (A) and (C) of this section when, in 17136
addition to the reserve requirements contained in section 1751.28 17137
of the Revised Code, the health insuring corporation provides 17138
sufficient assurances to the superintendent that the provider or 17139
health care facility has been provided with financial guarantees. 17140
No waiver of the requirements of divisions (A) and (C) of this 17141
section is effective as to enrollees or subscribers for whom the 17142
health insuring corporation is compensated under a provider 17143
agreement or risk contract entered into pursuant to Chapter 5111. 17144
or 5115. of the Revised Code. 17145

(F) The requirements of divisions (A) to (C) of this section 17146
apply only to health care services provided to an enrollee or 17147
subscriber prior to the effective date of a termination of a 17148
contract between the health insuring corporation and the provider 17149
or health care facility. 17150

Sec. 2101.16. (A) The fees enumerated in this division shall 17151
be charged and collected, if possible, by the probate judge and 17152
shall be in full for all services rendered in the respective 17153
proceedings: 17154

- | | | |
|--------------------------------------------------------|---------|-------|
| (1) Account, in addition to advertising charges | \$12.00 | 17155 |
| Waivers and proof of notice of hearing on account, per | | 17156 |
| page, minimum one dollar | \$ 1.00 | 17157 |
| (2) Account of distribution, in addition to | | 17158 |
| advertising charges | \$ 7.00 | 17159 |
| (3) Adoption of child, petition for | \$50.00 | 17160 |
| (4) Alter or cancel contract for sale or purchase of | | 17161 |
| real estate, petition to | \$20.00 | 17162 |
| (5) Application and order not otherwise provided | | 17163 |

for in this section or by rule adopted pursuant to		17164
division (E) of this section	\$ 5.00	17165
(6) Appropriation suit, per day, hearing in	\$20.00	17166
(7) Birth, application for registration of	\$ 7.00	17167
(8) Birth record, application to correct	\$ 5.00	17168
(9) Bond, application for new or additional	\$ 5.00	17169
(10) Bond, application for release of surety or		17170
reduction of	\$ 5.00	17171
(11) Bond, receipt for securities deposited in lieu of	\$ 5.00	17172
(12) Certified copy of journal entry, record, or proceeding,		17173
per page, minimum fee one dollar	\$ 1.00	17174
(13) Citation and issuing citation, application for	\$ 5.00	17175
(14) Change of name, petition for	\$20.00	17176
(15) Claim, application of administrator or executor for		17177
allowance of administrator's or executor's own	\$10.00	17178
(16) Claim, application to compromise or settle	\$10.00	17179
(17) Claim, authority to present	\$10.00	17180
(18) Commissioner, appointment of	\$ 5.00	17181
(19) Compensation for extraordinary services and attorney's		17182
fees for fiduciary, application for	\$ 5.00	17183
(20) Competency, application to procure adjudication of ...	\$20.00	17184
(21) Complete contract, application to	\$10.00	17185
(22) Concealment of assets, citation for	\$10.00	17186
(23) Construction of will, petition for	\$20.00	17187
(24) Continue decedent's business, application to	\$10.00	17188
Monthly reports of operation	\$ 5.00	17189
(25) Declaratory judgment, petition for	\$20.00	17190
(26) Deposit of will	\$ 5.00	17191
(27) Designation of heir	\$20.00	17192
(28) Distribution in kind, application, assent, and		17193
order for	\$ 5.00	17194
(29) Distribution under section 2109.36 of the Revised		17195
Code, application for an order of	\$ 7.00	17196

(30) Docketing and indexing proceedings, including the		17197
filing and noting of all necessary documents, maximum		17198
fee, fifteen dollars	\$15.00	17199
(31) Exceptions to any proceeding named in this section,		17200
contest of appointment or	\$10.00	17201
(32) Election of surviving partner to purchase assets of		17202
partnership, proceedings relating to	\$10.00	17203
(33) Election of surviving spouse under will	\$ 5.00	17204
(34) Fiduciary, including an assignee or trustee of an		17205
insolvent debtor or any guardian or conservator		17206
accountable to the probate court, appointment of	\$35.00	17207
(35) Foreign will, application to record	\$10.00	17208
Record of foreign will, additional, per page	\$ 1.00	17209
(36) Forms when supplied by the probate court, not to		17210
exceed	\$10.00	17211
(37) Heirship, petition to determine	\$20.00	17212
(38) Injunction proceedings	\$20.00	17213
(39) Improve real estate, petition to	\$20.00	17214
(40) Inventory with appraisalment	\$10.00	17215
(41) Inventory without appraisalment	\$ 7.00	17216
(42) Investment or expenditure of funds, application for ..	\$10.00	17217
(43) Invest in real estate, application to	\$10.00	17218
(44) Lease for oil, gas, coal, or other mineral, petition		17219
to	\$20.00	17220
(45) Lease or lease and improve real estate, petition to ..	\$20.00	17221
(46) Marriage license	\$10.00	17222
Certified abstract of each marriage	\$ 2.00	17223
(47) Minor or mentally ill person, etc., disposal of estate		17224
under ten thousand dollars of	\$10.00	17225
(48) Mortgage or mortgage and repair or improve real		17226
estate, petition to	\$20.00	17227
(49) Newly discovered assets, report of	\$ 7.00	17228
(50) Nonresident executor or administrator to bar		17229

	creditors' claims, proceedings by	\$20.00	17230
(51)	Power of attorney or revocation of power, bonding company	\$10.00	17231 17232
(52)	Presumption of death, petition to establish	\$20.00	17233
(53)	Probating will	\$15.00	17234
	Proof of notice to beneficiaries	\$ 5.00	17235
(54)	Purchase personal property, application of surviving spouse to	\$10.00	17236 17237
(55)	Purchase real estate at appraised value, petition of surviving spouse to	\$20.00	17238 17239
(56)	Receipts in addition to advertising charges, application and order to record	\$ 5.00	17240 17241
	Record of those receipts, additional, per page	\$ 1.00	17242
(57)	Record in excess of fifteen hundred words in any proceeding in the probate court, per page	\$ 1.00	17243 17244
(58)	Release of estate by mortgagee or other lienholder ...	\$ 5.00	17245
(59)	Relieving an estate from administration under section 2113.03 of the Revised Code or granting an order for a summary release from administration under section 2113.031 of the Revised Code	\$60.00	17246 17247 17248 17249
(60)	Removal of fiduciary, application for	\$10.00	17250
(61)	Requalification of executor or administrator	\$10.00	17251
(62)	Resignation of fiduciary	\$ 5.00	17252
(63)	Sale bill, public sale of personal property	\$10.00	17253
(64)	Sale of personal property and report, application for	\$10.00	17254 17255
(65)	Sale of real estate, petition for	\$25.00	17256
(66)	Terminate guardianship, petition to	\$10.00	17257
(67)	Transfer of real estate, application, entry, and certificate for	\$ 7.00	17258 17259
(68)	Unclaimed money, application to invest	\$ 7.00	17260
(69)	Vacate approval of account or order of distribution, motion to	\$10.00	17261 17262

(70) Writ of execution	\$ 5.00	17263
(71) Writ of possession	\$ 5.00	17264
(72) Wrongful death, application and settlement of claim for	\$20.00	17265 17266
(73) Year's allowance, petition to review	\$ 7.00	17267
(74) Guardian's report, filing and review of	\$ 5.00	17268
(B)(1) In relation to an application for the appointment of a guardian or the review of a report of a guardian under section 2111.49 of the Revised Code, the probate court, pursuant to court order or in accordance with a court rule, may direct that the applicant or the estate pay any or all of the expenses of an investigation conducted pursuant to section 2111.041 or division (A)(2) of section 2111.49 of the Revised Code. If the investigation is conducted by a public employee or investigator who is paid by the county, the fees for the investigation shall be paid into the county treasury. If the court finds that an alleged incompetent or a ward is indigent, the court may waive the costs, fees, and expenses of an investigation.		17269 17270 17271 17272 17273 17274 17275 17276 17277 17278 17279 17280
(2) In relation to the appointment or functioning of a guardian for a minor or the guardianship of a minor, the probate court may direct that the applicant or the estate pay any or all of the expenses of an investigation conducted pursuant to section 2111.042 of the Revised Code. If the investigation is conducted by a public employee or investigator who is paid by the county, the fees for the investigation shall be paid into the county treasury. If the court finds that the guardian or applicant is indigent, the court may waive the costs, fees, and expenses of an investigation.		17281 17282 17283 17284 17285 17286 17287 17288 17289
(C) Thirty dollars of the thirty-five-dollar fee collected pursuant to division (A)(34) of this section and twenty dollars of the sixty-dollar fee collected pursuant to division (A)(59) of this section shall be deposited by the county treasurer in the indigent guardianship fund created pursuant to section 2111.51 of		17290 17291 17292 17293 17294

the Revised Code. 17295

(D) The fees of witnesses, jurors, sheriffs, coroners, and 17296
constables for services rendered in the probate court or by order 17297
of the probate judge shall be the same as provided for like 17298
services in the court of common pleas. 17299

(E) The probate court, by rule, may require an advance 17300
deposit for costs, not to exceed one hundred twenty-five dollars, 17301
at the time application is made for an appointment as executor or 17302
administrator or at the time a will is presented for probate. 17303

(F) The probate court, by rule, shall establish a reasonable 17304
fee, not to exceed fifty dollars, for the filing of a petition for 17305
the release of information regarding an adopted person's name by 17306
birth and the identity of the adopted person's biological parents 17307
and biological siblings pursuant to section 3107.41 of the Revised 17308
Code, all proceedings relative to the petition, the entry of an 17309
order relative to the petition, and all services required to be 17310
performed in connection with the petition. The probate court may 17311
use a reasonable portion of a fee charged under authority of this 17312
division to reimburse any agency, as defined in section 3107.39 of 17313
the Revised Code, for any services it renders in performing a task 17314
described in section 3107.41 of the Revised Code relative to or in 17315
connection with the petition for which the fee was charged. 17316

(G)(1) Thirty dollars of the fifty-dollar fee collected 17317
pursuant to division (A)(3) of this section shall be deposited 17318
into the "putative father registry fund," which is hereby created 17319
in the state treasury. The department of job and family services 17320
shall use the money in the fund to fund the department's costs of 17321
performing its duties related to the putative father registry 17322
established under section 3107.062 of the Revised Code. 17323

(2) If the department determines that money in the putative 17324
father registry fund is more than is needed for its duties related 17325

to the putative father registry, the department may use the 17326
surplus moneys in the fund as permitted in division (C) of section 17327
2151.3529, division (B) of section 2151.3530, or section 5103.155 17328
of the Revised Code. 17329

Sec. 2113.041. (A) The administrator of the estate recovery 17330
program established pursuant to section 5111.11 of the Revised 17331
Code may present an affidavit to a financial institution 17332
requesting that the financial institution release account proceeds 17333
to recover the cost of services correctly provided to a medicaid 17334
recipient. The affidavit shall include all of the following 17335
information: 17336

(1) The name of the decedent; 17337

(2) The name of any person who gave notice that the decedent 17338
was a medicaid recipient and that person's relationship to the 17339
decedent; 17340

(3) The name of the financial institution; 17341

(4) The account number; 17342

(5) A description of the claim for estate recovery; 17343

(6) The amount of funds to be recovered. 17344

(B) A financial institution may release account proceeds to 17345
the administrator of the estate recovery program if all of the 17346
following apply: 17347

(1) The decedent held an account at the financial institution 17348
that was in the decedent's name only. 17349

(2) No estate has been, and it is reasonable to assume that 17350
no estate will be, opened for the decedent. 17351

(3) The decedent has no outstanding debts known to the 17352
administrator of the estate recovery program. 17353

(4) The financial institution has received no objections or 17354

has determined that no valid objections to release of proceeds 17355
have been received. 17356

(C) If proceeds have been released pursuant to division (B) 17357
of this section and the department of job and family services 17358
receives notice of a valid claim to the proceeds that has a higher 17359
priority under section 2117.25 of the Revised Code than the claim 17360
of the estate recovery program, the department may refund the 17361
proceeds to the financial institution or pay them to the person or 17362
government entity with the claim. 17363

Sec. 2117.06. (A) All creditors having claims against an 17364
estate, including claims arising out of contract, out of tort, on 17365
cognovit notes, or on judgments, whether due or not due, secured 17366
or unsecured, liquidated or unliquidated, shall present their 17367
claims in one of the following manners: 17368

(1) To the executor or administrator in a writing; 17369

(2) To the executor or administrator in a writing, and to the 17370
probate court by filing a copy of the writing with it; 17371

(3) In a writing that is sent by ordinary mail addressed to 17372
the decedent and that is actually received by the executor or 17373
administrator within the appropriate time specified in division 17374
(B) of this section. For purposes of this division, if an executor 17375
or administrator is not a natural person, the writing shall be 17376
considered as being actually received by the executor or 17377
administrator only if the person charged with the primary 17378
responsibility of administering the estate of the decedent 17379
actually receives the writing within the appropriate time 17380
specified in division (B) of this section. 17381

(B) ~~All~~ Except as provided in section 2117.061 of the Revised 17382
Code, all claims shall be presented within one year after the 17383
death of the decedent, whether or not the estate is released from 17384

administration or an executor or administrator is appointed during 17385
that one-year period. Every claim presented shall set forth the 17386
claimant's address. 17387

(C) ~~A~~ Except as provided in section 2117.061 of the Revised 17388
Code, a claim that is not presented within one year after the 17389
death of the decedent shall be forever barred as to all parties, 17390
including, but not limited to, devisees, legatees, and 17391
distributees. No payment shall be made on the claim and no action 17392
shall be maintained on the claim, except as otherwise provided in 17393
sections 2117.37 to 2117.42 of the Revised Code with reference to 17394
contingent claims. 17395

(D) In the absence of any prior demand for allowance, the 17396
executor or administrator shall allow or reject all claims, except 17397
tax assessment claims, within thirty days after their 17398
presentation, provided that failure of the executor or 17399
administrator to allow or reject within that time shall not 17400
prevent the executor or administrator from doing so after that 17401
time and shall not prejudice the rights of any claimant. Upon the 17402
allowance of a claim, the executor or the administrator, on demand 17403
of the creditor, shall furnish the creditor with a written 17404
statement or memorandum of the fact and date of the allowance. 17405

(E) If the executor or administrator has actual knowledge of 17406
a pending action commenced against the decedent prior to the 17407
decedent's death in a court of record in this state, the executor 17408
or administrator shall file a notice of the appointment of the 17409
executor or administrator in the pending action within ten days 17410
after acquiring that knowledge. If the administrator or executor 17411
is not a natural person, actual knowledge of a pending suit 17412
against the decedent shall be limited to the actual knowledge of 17413
the person charged with the primary responsibility of 17414
administering the estate of the decedent. Failure to file the 17415
notice within the ten-day period does not extend the claim period 17416

established by this section. 17417

(F) This section applies to any person who is required to 17418
give written notice to the executor or administrator of a motion 17419
or application to revive an action pending against the decedent at 17420
the date of the death of the decedent. 17421

(G) Nothing in this section or in section 2117.07 of the 17422
Revised Code shall be construed to reduce the time mentioned in 17423
section 2125.02, 2305.09, 2305.10, 2305.11, 2305.113, or 2305.12 17424
of the Revised Code, provided that no portion of any recovery on a 17425
claim brought pursuant to any of those sections shall come from 17426
the assets of an estate unless the claim has been presented 17427
against the estate in accordance with Chapter 2117. of the Revised 17428
Code. 17429

(H) Any person whose claim has been presented and has not 17430
been rejected after presentment is a creditor as that term is used 17431
in Chapters 2113. to 2125. of the Revised Code. Claims that are 17432
contingent need not be presented except as provided in sections 17433
2117.37 to 2117.42 of the Revised Code, but, whether presented 17434
pursuant to those sections or this section, contingent claims may 17435
be presented in any of the manners described in division (A) of 17436
this section. 17437

(I) If a creditor presents a claim against an estate in 17438
accordance with division (A)(2) of this section, the probate court 17439
shall not close the administration of the estate until that claim 17440
is allowed or rejected. 17441

(J) The probate court shall not require an executor or 17442
administrator to make and return into the court a schedule of 17443
claims against the estate. 17444

(K) If the executor or administrator makes a distribution of 17445
the assets of the estate prior to the expiration of the time for 17446
the filing of claims as set forth in this section, the executor or 17447

administrator shall provide notice on the account delivered to 17448
each distributee that the distributee may be liable to the estate 17449
up to the value of the distribution and may be required to return 17450
all or any part of the value of the distribution if a valid claim 17451
is subsequently made against the estate within the time permitted 17452
under this section. 17453

Sec. 2117.061. (A) As used in this section, "person 17454
responsible for the estate" means the executor, administrator, 17455
commissioner, or person who filed pursuant to section 2113.03 of 17456
the Revised Code for release from administration of an estate. 17457

(B) If the decedent was fifty-five years of age or older at 17458
the time of death, the person responsible for an estate shall 17459
determine whether the decedent was a recipient of medical 17460
assistance under Chapter 5111. of the Revised Code. If the 17461
decedent was a recipient, the person responsible for the estate 17462
shall give written notice to that effect to the administrator of 17463
the estate recovery program instituted under section 5111.11 of 17464
the Revised Code not later than thirty days after the occurrence 17465
of any of the following: 17466

(1) The granting of letters testamentary; 17467

(2) The administration of the estate; 17468

(3) The filing of an application for release from 17469
administration or summary release from administration. 17470

(C) The person responsible for an estate shall mark the 17471
appropriate box on the appropriate probate form to indicate 17472
compliance with the requirements of division (B) of this section. 17473

(D) The estate recovery program administrator shall present a 17474
claim for estate recovery to the person responsible for the estate 17475
or the person's legal representative not later than ninety days 17476
after the date on which notice is received under division (B) of 17477

this section or one year after the decedent's death, whichever is 17478
later. 17479

Sec. 2117.25. (A) Every executor or administrator shall 17480
proceed with diligence to pay the debts of the decedent and shall 17481
apply the assets in the following order: 17482

(1) Costs and expenses of administration; 17483

(2) An amount, not exceeding two thousand dollars, for 17484
funeral expenses that are included in the bill of a funeral 17485
director, funeral expenses other than those in the bill of a 17486
funeral director that are approved by the probate court, and an 17487
amount, not exceeding two thousand dollars, for burial and 17488
cemetery expenses, including that portion of the funeral 17489
director's bill allocated to cemetery expenses that have been paid 17490
to the cemetery by the funeral director. 17491

For purposes of this division, burial and cemetery expenses 17492
shall be limited to the following: 17493

(a) The purchase of a place of interment; 17494

(b) Monuments or other markers; 17495

(c) The outer burial container; 17496

(d) The cost of opening and closing the place of interment; 17497

(e) The urn. 17498

(3) The allowance for support made to the surviving spouse, 17499
minor children, or both under section 2106.13 of the Revised Code; 17500

(4) Debts entitled to a preference under the laws of the 17501
United States; 17502

(5) Expenses of the last sickness of the decedent; 17503

(6) If the total bill of a funeral director for funeral 17504
expenses exceeds two thousand dollars, then, in addition to the 17505

amount described in division (A)(2) of this section, an amount, 17506
not exceeding one thousand dollars, for funeral expenses that are 17507
included in the bill and that exceed two thousand dollars; 17508

(7) Personal property taxes, claims made under the estate 17509
recovery program instituted pursuant to section 5111.11 of the 17510
Revised Code, and obligations for which the decedent was 17511
personally liable to the state or any of its subdivisions; 17512

(8) Debts for manual labor performed for the decedent within 17513
twelve months preceding the decedent's death, not exceeding three 17514
hundred dollars to any one person; 17515

(9) Other debts for which claims have been presented and 17516
finally allowed. 17517

(B) The part of the bill of a funeral director that exceeds 17518
the total of three thousand dollars as described in divisions 17519
(A)(2) and (6) of this section, and the part of a claim included 17520
in division (A)(8) of this section that exceeds three hundred 17521
dollars shall be included as a debt under division (A)(9) of this 17522
section, depending upon the time when the claim for the additional 17523
amount is presented. 17524

(C) Any natural person or fiduciary who pays a claim of any 17525
creditor described in division (A) of this section shall be 17526
subrogated to the rights of that creditor proportionate to the 17527
amount of the payment and shall be entitled to reimbursement for 17528
that amount in accordance with the priority of payments set forth 17529
in that division. 17530

(D)(1) Chapters 2113. to 2125. of the Revised Code, relating 17531
to the manner in which and the time within which claims shall be 17532
presented, shall apply to claims set forth in divisions (A)(2), 17533
(6), and (8) of this section. Claims for an expense of 17534
administration or for the allowance for support need not be 17535
presented. The executor or administrator shall pay debts included 17536

in divisions (A)(4) and (7) of this section, of which the executor 17537
or administrator has knowledge, regardless of presentation. 17538

(2) The giving of written notice to an executor or 17539
administrator of a motion or application to revive an action 17540
pending against the decedent at the date of death shall be 17541
equivalent to the presentation of a claim to the executor or 17542
administrator for the purpose of determining the order of payment 17543
of any judgment rendered or decree entered in such an action. 17544

(E) No payments shall be made to creditors of one class until 17545
all those of the preceding class are fully paid or provided for. 17546
If the assets are insufficient to pay all the claims of one class, 17547
the creditors of that class shall be paid ratably. 17548

(F) If it appears at any time that the assets have been 17549
exhausted in paying prior or preferred charges, allowances, or 17550
claims, those payments shall be a bar to an action on any claim 17551
not entitled to that priority or preference. 17552

Sec. 2133.01. Unless the context otherwise requires, as used 17553
in sections 2133.01 to 2133.15 of the Revised Code: 17554

(A) "Adult" means an individual who is eighteen years of age 17555
or older. 17556

(B) "Attending physician" means the physician to whom a 17557
declarant or other patient, or the family of a declarant or other 17558
patient, has assigned primary responsibility for the treatment or 17559
care of the declarant or other patient, or, if the responsibility 17560
has not been assigned, the physician who has accepted that 17561
responsibility. 17562

(C) "Comfort care" means any of the following: 17563

(1) Nutrition when administered to diminish the pain or 17564
discomfort of a declarant or other patient, but not to postpone 17565
the declarant's or other patient's death; 17566

(2) Hydration when administered to diminish the pain or discomfort of a declarant or other patient, but not to postpone the declarant's or other patient's death;	17567 17568 17569
(3) Any other medical or nursing procedure, treatment, intervention, or other measure that is taken to diminish the pain or discomfort of a declarant or other patient, but not to postpone the declarant's or other patient's death.	17570 17571 17572 17573
(D) "Consulting physician" means a physician who, in conjunction with the attending physician of a declarant or other patient, makes one or more determinations that are required to be made by the attending physician, or to be made by the attending physician and one other physician, by an applicable provision of this chapter, to a reasonable degree of medical certainty and in accordance with reasonable medical standards.	17574 17575 17576 17577 17578 17579 17580
(E) "Declarant" means any adult who has executed a declaration in accordance with section 2133.02 of the Revised Code.	17581 17582 17583
(F) "Declaration" means a written document executed in accordance with section 2133.02 of the Revised Code.	17584 17585
(G) "Durable power of attorney for health care" means a document created pursuant to sections 1337.11 to 1337.17 of the Revised Code.	17586 17587 17588
(H) "Guardian" means a person appointed by a probate court pursuant to Chapter 2111. of the Revised Code to have the care and management of the person of an incompetent.	17589 17590 17591
(I) "Health care facility" means any of the following:	17592
(1) A hospital;	17593
(2) A hospice care program or other institution that specializes in comfort care of patients in a terminal condition or in a permanently unconscious state;	17594 17595 17596

(3) A nursing home or residential care facility, as defined in section 3721.01 of the Revised Code;	17597 17598
(4) A home health agency and any residential facility where a person is receiving care under the direction of a home health agency;	17599 17600 17601
(5) An intermediate care facility for the mentally retarded.	17602
(J) "Health care personnel" means physicians, nurses, physician assistants, emergency medical technicians-basic, emergency medical technicians-intermediate, emergency medical technicians-paramedic, medical technicians, dietitians, other authorized persons acting under the direction of an attending physician, and administrators of health care facilities.	17603 17604 17605 17606 17607 17608
(K) "Home health agency" has the same meaning as in section 3701.88 <u>3701.881</u> of the Revised Code.	17609 17610
(L) "Hospice care program" has the same meaning as in section 3712.01 of the Revised Code.	17611 17612
(M) "Hospital" has the same meanings as in sections 2108.01, 3701.01, and 5122.01 of the Revised Code.	17613 17614
(N) "Hydration" means fluids that are artificially or technologically administered.	17615 17616
(O) "Incompetent" has the same meaning as in section 2111.01 of the Revised Code.	17617 17618
(P) "Intermediate care facility for the mentally retarded" has the same meaning as in section 5111.20 of the Revised Code.	17619 17620
(Q) "Life-sustaining treatment" means any medical procedure, treatment, intervention, or other measure that, when administered to a qualified patient or other patient, will serve principally to prolong the process of dying.	17621 17622 17623 17624
(R) "Nurse" means a person who is licensed to practice	17625

nursing as a registered nurse or to practice practical nursing as 17626
a licensed practical nurse pursuant to Chapter 4723. of the 17627
Revised Code. 17628

(S) "Nursing home" has the same meaning as in section 3721.01 17629
of the Revised Code. 17630

(T) "Nutrition" means sustenance that is artificially or 17631
technologically administered. 17632

(U) "Permanently unconscious state" means a state of 17633
permanent unconsciousness in a declarant or other patient that, to 17634
a reasonable degree of medical certainty as determined in 17635
accordance with reasonable medical standards by the declarant's or 17636
other patient's attending physician and one other physician who 17637
has examined the declarant or other patient, is characterized by 17638
both of the following: 17639

(1) Irreversible unawareness of one's being and environment. 17640

(2) Total loss of cerebral cortical functioning, resulting in 17641
the declarant or other patient having no capacity to experience 17642
pain or suffering. 17643

(V) "Person" has the same meaning as in section 1.59 of the 17644
Revised Code and additionally includes political subdivisions and 17645
governmental agencies, boards, commissions, departments, 17646
institutions, offices, and other instrumentalities. 17647

(W) "Physician" means a person who is authorized under 17648
Chapter 4731. of the Revised Code to practice medicine and surgery 17649
or osteopathic medicine and surgery. 17650

(X) "Political subdivision" and "state" have the same 17651
meanings as in section 2744.01 of the Revised Code. 17652

(Y) "Professional disciplinary action" means action taken by 17653
the board or other entity that regulates the professional conduct 17654
of health care personnel, including the state medical board and 17655

the board of nursing. 17656

(Z) "Qualified patient" means an adult who has executed a 17657
declaration and has been determined to be in a terminal condition 17658
or in a permanently unconscious state. 17659

(AA) "Terminal condition" means an irreversible, incurable, 17660
and untreatable condition caused by disease, illness, or injury 17661
from which, to a reasonable degree of medical certainty as 17662
determined in accordance with reasonable medical standards by a 17663
declarant's or other patient's attending physician and one other 17664
physician who has examined the declarant or other patient, both of 17665
the following apply: 17666

(1) There can be no recovery. 17667

(2) Death is likely to occur within a relatively short time 17668
if life-sustaining treatment is not administered. 17669

(BB) "Tort action" means a civil action for damages for 17670
injury, death, or loss to person or property, other than a civil 17671
action for damages for breach of a contract or another agreement 17672
between persons. 17673

Sec. 2151.352. A Except as otherwise provided in this 17674
section, a child, or the child's parents, or custodian, or any 17675
other person in loco parentis of ~~such~~ the child is entitled to 17676
representation by legal counsel at all stages of the proceedings 17677
under this chapter or Chapter 2152. of the Revised Code ~~and if,~~ 17678
If, as an indigent person, ~~any such person~~ a party is unable to 17679
employ counsel, the party is entitled to have counsel provided for 17680
the person pursuant to Chapter 120. of the Revised Code. If a 17681
party appears without counsel, the court shall ascertain whether 17682
the party knows of the party's right to counsel and of the party's 17683
right to be provided with counsel if the party is an indigent 17684
person. The court may continue the case to enable a party to 17685

obtain counsel or to be represented by the county public defender 17686
or the joint county public defender and shall provide counsel upon 17687
request pursuant to Chapter 120. of the Revised Code. Counsel must 17688
be provided for a child not represented by the child's parent, 17689
guardian, or custodian. If the interests of two or more ~~such~~ 17690
parties conflict, separate counsel shall be provided for each of 17691
them. 17692

This section does not confer the right to court-appointed 17693
counsel in civil actions arising under division (A)(2), (D), or 17694
(F) of section 2151.23 or division (C) of section 3111.13 of the 17695
Revised Code. 17696

Section 2935.14 of the Revised Code applies to any child 17697
taken into custody. The parents, custodian, or guardian of ~~such a~~ 17698
child taken into custody, and any attorney at law representing 17699
them or the child, shall be entitled to visit ~~such~~ the child at 17700
any reasonable time, be present at any hearing involving the 17701
child, and be given reasonable notice of ~~such~~ the hearing. 17702

Any report or part ~~thereof~~ of a report concerning ~~such the~~ 17703
child, which is used in the hearing and is pertinent ~~thereto to~~ 17704
the hearing, shall for good cause shown be made available to any 17705
attorney at law representing ~~such the~~ child and to any attorney at 17706
law representing the parents, custodian, or guardian of ~~such the~~ 17707
child, upon written request prior to any hearing involving ~~such~~ 17708
the child. 17709

Sec. 2151.3529. (A) The director of job and family services 17710
shall promulgate forms designed to gather pertinent medical 17711
information concerning a deserted child and the child's parents. 17712
The forms shall clearly and unambiguously state on each page that 17713
the information requested is to facilitate medical care for the 17714
child, that the forms may be fully or partially completed or left 17715
blank, that completing the forms or parts of the forms is 17716

completely voluntary, and that no adverse legal consequence will 17717
result from failure to complete any part of the forms. 17718

(B) The director shall promulgate written materials to be 17719
given to the parents of a child delivered pursuant to section 17720
2151.3516 of the Revised Code. The materials shall describe 17721
services available to assist parents and newborns and shall 17722
include information directly relevant to situations that might 17723
cause parents to desert a child and information on the procedures 17724
for a person to follow in order to reunite with a child the person 17725
delivered under section 2151.3516 of the Revised Code, including 17726
notice that the person will be required to submit to a DNA test, 17727
at that person's expense, to prove that the person is the parent 17728
of the child. 17729

(C) If the department of job and family services determines 17730
that money in the putative father registry fund created under 17731
section 2101.16 of the Revised Code is more than is needed for its 17732
duties related to the putative father registry, the department may 17733
use surplus moneys in the fund for costs related to the 17734
development and publication of forms and materials promulgated 17735
pursuant to divisions (A) and (B) of this section. 17736

Sec. 2151.3530. (A) The director of job and family services 17737
shall distribute the medical information forms and written 17738
materials promulgated under section 2151.3529 of the Revised Code 17739
to entities permitted to receive a deserted child, to public 17740
children services agencies, and to other public or private 17741
agencies that, in the discretion of the director, are best able to 17742
disseminate the forms and materials to the persons who are most in 17743
need of the forms and materials. 17744

(B) If the department of job and family services determines 17745
that money in the putative father registry fund created under 17746
section 2101.16 of the Revised Code is more than is needed to 17747

perform its duties related to the putative father registry, the 17748
department may use surplus moneys in the fund for costs related to 17749
the distribution of forms and materials pursuant to this section. 17750

Sec. 2151.83. (A) A public children services agency or 17751
private child placing agency, on the request of a young adult, 17752
shall enter into a jointly prepared written agreement with the 17753
young adult that obligates the agency to ensure that independent 17754
living services are provided to the young adult and sets forth the 17755
responsibilities of the young adult regarding the services. The 17756
agreement shall be developed based on the young adult's strengths, 17757
needs, and circumstances ~~and the availability of funds provided~~ 17758
~~pursuant to section 2151.84 of the Revised Code.~~ The agreement 17759
shall be designed to promote the young adult's successful 17760
transition to independent adult living and emotional and economic 17761
self-sufficiency. 17762

(B) If the young adult appears to be eligible for services 17763
from one or more of the following entities, the agency must 17764
contact the appropriate entity to determine eligibility: 17765

(1) An entity, other than the agency, that is represented on 17766
a county family and children first council established pursuant to 17767
section 121.37 of the Revised Code. If the entity is a board of 17768
alcohol, drug addiction, and mental health services, an alcohol 17769
and drug addiction services board, or a community mental health 17770
board, the agency shall contact the provider of alcohol, drug 17771
addiction, or mental health services that has been designated by 17772
the board to determine the young adult's eligibility for services. 17773

(2) The rehabilitation services commission; 17774

(3) A metropolitan housing authority established pursuant to 17775
section 3735.27 of the Revised Code. 17776

If an entity described in this division determines that the 17777

young adult qualifies for services from the entity, that entity, 17778
the young adult, and the agency to which the young adult made the 17779
request for independent living services shall enter into a written 17780
addendum to the jointly prepared agreement entered into under 17781
division (A) of this section. The addendum shall indicate how 17782
services under the agreement and addendum are to be coordinated 17783
and allocate the service responsibilities among the entities and 17784
agency that signed the addendum. 17785

Sec. 2151.84. The department of job and family services shall 17786
establish model agreements that may be used by public children 17787
services agencies and private child placing agencies required to 17788
provide services under an agreement with a young adult pursuant to 17789
section 2151.83 of the Revised Code. The model agreements shall 17790
include provisions describing the specific independent living 17791
services to be provided ~~to the extent funds are provided pursuant~~ 17792
~~to this section~~, the duration of the services and the agreement, 17793
the duties and responsibilities of each party under the agreement, 17794
and grievance procedures regarding disputes that arise regarding 17795
the agreement or services provided under it. 17796

~~To facilitate the provision of independent living services,~~ 17797
~~the department shall provide funds to meet the requirement of~~ 17798
~~state matching funds needed to qualify for federal funds under the~~ 17799
~~"Foster Care Independence Act of 1999," 113 Stat. 1822 (1999), 42~~ 17800
~~U.S.C. 677, as amended. The department shall seek controlling~~ 17801
~~board approval of any fund transfers necessary to meet this~~ 17802
~~requirement.~~ 17803

Sec. 2152.19. (A) If a child is adjudicated a delinquent 17804
child, the court may make any of the following orders of 17805
disposition, in addition to any other disposition authorized or 17806
required by this chapter: 17807

(1) Any order that is authorized by section 2151.353 of the Revised Code for the care and protection of an abused, neglected, or dependent child;

(2) Commit the child to the temporary custody of any school, camp, institution, or other facility operated for the care of delinquent children by the county, by a district organized under section 2152.41 or 2151.65 of the Revised Code, or by a private agency or organization, within or without the state, that is authorized and qualified to provide the care, treatment, or placement required, including, but not limited to, a school, camp, or facility operated under section 2151.65 of the Revised Code;

(3) Place the child in a detention facility or district detention facility operated under section 2152.41 of the Revised Code, for up to ninety days;

(4) Place the child on community control under any sanctions, services, and conditions that the court prescribes. As a condition of community control in every case and in addition to any other condition that it imposes upon the child, the court shall require the child to abide by the law during the period of community control. As referred to in this division, community control includes, but is not limited to, the following sanctions and conditions:

(a) A period of basic probation supervision in which the child is required to maintain contact with a person appointed to supervise the child in accordance with sanctions imposed by the court;

(b) A period of intensive probation supervision in which the child is required to maintain frequent contact with a person appointed by the court to supervise the child while the child is seeking or maintaining employment and participating in training, education, and treatment programs as the order of disposition;

(c) A period of day reporting in which the child is required 17839
each day to report to and leave a center or another approved 17840
reporting location at specified times in order to participate in 17841
work, education or training, treatment, and other approved 17842
programs at the center or outside the center; 17843

(d) A period of community service of up to five hundred hours 17844
for an act that would be a felony or a misdemeanor of the first 17845
degree if committed by an adult, up to two hundred hours for an 17846
act that would be a misdemeanor of the second, third, or fourth 17847
degree if committed by an adult, or up to thirty hours for an act 17848
that would be a minor misdemeanor if committed by an adult; 17849

(e) A requirement that the child obtain a high school 17850
diploma, a certificate of high school equivalence, vocational 17851
training, or employment; 17852

(f) A period of drug and alcohol use monitoring; 17853

(g) A requirement of alcohol or drug assessment or 17854
counseling, or a period in an alcohol or drug treatment program 17855
with a level of security for the child as determined necessary by 17856
the court; 17857

(h) A period in which the court orders the child to observe a 17858
curfew that may involve daytime or evening hours; 17859

(i) A requirement that the child serve monitored time; 17860

(j) A period of house arrest with or without electronic 17861
monitoring; 17862

(k) A period of electronic monitoring without house arrest or 17863
electronically monitored house arrest that does not exceed the 17864
maximum sentence of imprisonment that could be imposed upon an 17865
adult who commits the same act. 17866

A period of electronically monitored house arrest imposed 17867
under this division shall not extend beyond the child's 17868

twenty-first birthday. If a court imposes a period of 17869
electronically monitored house arrest upon a child under this 17870
division, it shall require the child: to wear, otherwise have 17871
attached to the child's person, or otherwise be subject to 17872
monitoring by a certified electronic monitoring device or to 17873
participate in the operation of and monitoring by a certified 17874
electronic monitoring system; to remain in the child's home or 17875
other specified premises for the entire period of electronically 17876
monitored house arrest except when the court permits the child to 17877
leave those premises to go to school or to other specified 17878
premises; to be monitored by a central system that can determine 17879
the child's location at designated times; to report periodically 17880
to a person designated by the court; and to enter into a written 17881
contract with the court agreeing to comply with all requirements 17882
imposed by the court, agreeing to pay any fee imposed by the court 17883
for the costs of the electronically monitored house arrest, and 17884
agreeing to waive the right to receive credit for any time served 17885
on electronically monitored house arrest toward the period of any 17886
other dispositional order imposed upon the child if the child 17887
violates any of the requirements of the dispositional order of 17888
electronically monitored house arrest. The court also may impose 17889
other reasonable requirements upon the child. 17890

Unless ordered by the court, a child shall not receive credit 17891
for any time served on electronically monitored house arrest 17892
toward any other dispositional order imposed upon the child for 17893
the act for which was imposed the dispositional order of 17894
electronically monitored house arrest. 17895

(1) A suspension of the driver's license, probationary 17896
driver's license, or temporary instruction permit issued to the 17897
child or a suspension of the registration of all motor vehicles 17898
registered in the name of the child. A child whose license or 17899
permit is so suspended is ineligible for issuance of a license or 17900

permit during the period of suspension. At the end of the period 17901
of suspension, the child shall not be reissued a license or permit 17902
until the child has paid any applicable reinstatement fee and 17903
complied with all requirements governing license reinstatement. 17904

(5) Commit the child to the custody of the court; 17905

(6) Require the child to not be absent without legitimate 17906
excuse from the public school the child is supposed to attend for 17907
five or more consecutive days, seven or more school days in one 17908
school month, or twelve or more school days in a school year; 17909

(7)(a) If a child is adjudicated a delinquent child for being 17910
a chronic truant or an habitual truant who previously has been 17911
adjudicated an unruly child for being a habitual truant, do either 17912
or both of the following: 17913

(i) Require the child to participate in a truancy prevention 17914
mediation program; 17915

(ii) Make any order of disposition as authorized by this 17916
section, except that the court shall not commit the child to a 17917
facility described in division (A)(2) or (3) of this section 17918
unless the court determines that the child violated a lawful court 17919
order made pursuant to division (C)(1)(e) of section 2151.354 of 17920
the Revised Code or division (A)(6) of this section. 17921

(b) If a child is adjudicated a delinquent child for being a 17922
chronic truant or a habitual truant who previously has been 17923
adjudicated an unruly child for being a habitual truant and the 17924
court determines that the parent, guardian, or other person having 17925
care of the child has failed to cause the child's attendance at 17926
school in violation of section 3321.38 of the Revised Code, do 17927
either or both of the following: 17928

(i) Require the parent, guardian, or other person having care 17929
of the child to participate in a truancy prevention mediation 17930
program; 17931

(ii) Require the parent, guardian, or other person having care of the child to participate in any community service program, preferably a community service program that requires the involvement of the parent, guardian, or other person having care of the child in the school attended by the child.

(8) Make any further disposition that the court finds proper, except that the child shall not be placed in any of the following:

(a) A state correctional institution, a county, multicounty, or municipal jail or workhouse, or another place in which an adult convicted of a crime, under arrest, or charged with a crime is held;

(b) A community corrections facility, if the child would be covered by the definition of public safety beds for purposes of sections 5139.41 to ~~5139.45~~ 5139.43 of the Revised Code if the court exercised its authority to commit the child to the legal custody of the department of youth services for institutionalization or institutionalization in a secure facility pursuant to this chapter.

(B) If a child is adjudicated a delinquent child, in addition to any order of disposition made under division (A) of this section, the court, in the following situations, shall suspend the child's temporary instruction permit, restricted license, probationary driver's license, or nonresident operating privilege, or suspend the child's ability to obtain such a permit:

(1) The child is adjudicated a delinquent child for violating section 2923.122 of the Revised Code, with the suspension and denial being in accordance with division (E)(1)(a), (c), (d), or (e) of section 2923.122 of the Revised Code.

(2) The child is adjudicated a delinquent child for committing an act that if committed by an adult would be a drug abuse offense or for violating division (B) of section 2917.11 of

the Revised Code, with the suspension continuing until the child 17963
attends and satisfactorily completes a drug abuse or alcohol abuse 17964
education, intervention, or treatment program specified by the 17965
court. During the time the child is attending the program, the 17966
court shall retain any temporary instruction permit, probationary 17967
driver's license, or driver's license issued to the child, and the 17968
court shall return the permit or license when the child 17969
satisfactorily completes the program. 17970

(C) The court may establish a victim-offender mediation 17971
program in which victims and their offenders meet to discuss the 17972
offense and suggest possible restitution. If the court obtains the 17973
assent of the victim of the delinquent act committed by the child, 17974
the court may require the child to participate in the program. 17975

(D)(1) If a child is adjudicated a delinquent child for 17976
committing an act that would be a felony if committed by an adult 17977
and if the child caused, attempted to cause, threatened to cause, 17978
or created a risk of physical harm to the victim of the act, the 17979
court, prior to issuing an order of disposition under this 17980
section, shall order the preparation of a victim impact statement 17981
by the probation department of the county in which the victim of 17982
the act resides, by the court's own probation department, or by a 17983
victim assistance program that is operated by the state, a county, 17984
a municipal corporation, or another governmental entity. The court 17985
shall consider the victim impact statement in determining the 17986
order of disposition to issue for the child. 17987

(2) Each victim impact statement shall identify the victim of 17988
the act for which the child was adjudicated a delinquent child, 17989
itemize any economic loss suffered by the victim as a result of 17990
the act, identify any physical injury suffered by the victim as a 17991
result of the act and the seriousness and permanence of the 17992
injury, identify any change in the victim's personal welfare or 17993
familial relationships as a result of the act and any 17994

psychological impact experienced by the victim or the victim's 17995
family as a result of the act, and contain any other information 17996
related to the impact of the act upon the victim that the court 17997
requires. 17998

(3) A victim impact statement shall be kept confidential and 17999
is not a public record. However, the court may furnish copies of 18000
the statement to the department of youth services if the 18001
delinquent child is committed to the department or to both the 18002
adjudicated delinquent child or the adjudicated delinquent child's 18003
counsel and the prosecuting attorney. The copy of a victim impact 18004
statement furnished by the court to the department pursuant to 18005
this section shall be kept confidential and is not a public 18006
record. If an officer is preparing pursuant to section 2947.06 or 18007
2951.03 of the Revised Code or Criminal Rule 32.2 a presentence 18008
investigation report pertaining to a person, the court shall make 18009
available to the officer, for use in preparing the report, a copy 18010
of any victim impact statement regarding that person. The copies 18011
of a victim impact statement that are made available to the 18012
adjudicated delinquent child or the adjudicated delinquent child's 18013
counsel and the prosecuting attorney pursuant to this division 18014
shall be returned to the court by the person to whom they were 18015
made available immediately following the imposition of an order of 18016
disposition for the child under this chapter. 18017

The copy of a victim impact statement that is made available 18018
pursuant to this division to an officer preparing a criminal 18019
presentence investigation report shall be returned to the court by 18020
the officer immediately following its use in preparing the report. 18021

(4) The department of youth services shall work with local 18022
probation departments and victim assistance programs to develop a 18023
standard victim impact statement. 18024

(E) If a child is adjudicated a delinquent child for being a 18025
chronic truant or an habitual truant who previously has been 18026

adjudicated an unruly child for being an habitual truant and the 18027
court determines that the parent, guardian, or other person having 18028
care of the child has failed to cause the child's attendance at 18029
school in violation of section 3321.38 of the Revised Code, in 18030
addition to any order of disposition it makes under this section, 18031
the court shall warn the parent, guardian, or other person having 18032
care of the child that any subsequent adjudication of the child as 18033
an unruly or delinquent child for being an habitual or chronic 18034
truant may result in a criminal charge against the parent, 18035
guardian, or other person having care of the child for a violation 18036
of division (C) of section 2919.21 or section 2919.24 of the 18037
Revised Code. 18038

(F)(1) During the period of a delinquent child's community 18039
control granted under this section, authorized probation officers 18040
who are engaged within the scope of their supervisory duties or 18041
responsibilities may search, with or without a warrant, the person 18042
of the delinquent child, the place of residence of the delinquent 18043
child, and a motor vehicle, another item of tangible or intangible 18044
personal property, or other real property in which the delinquent 18045
child has a right, title, or interest or for which the delinquent 18046
child has the express or implied permission of a person with a 18047
right, title, or interest to use, occupy, or possess if the 18048
probation officers have reasonable grounds to believe that the 18049
delinquent child is not abiding by the law or otherwise is not 18050
complying with the conditions of the delinquent child's community 18051
control. The court that places a delinquent child on community 18052
control under this section shall provide the delinquent child with 18053
a written notice that informs the delinquent child that authorized 18054
probation officers who are engaged within the scope of their 18055
supervisory duties or responsibilities may conduct those types of 18056
searches during the period of community control if they have 18057
reasonable grounds to believe that the delinquent child is not 18058
abiding by the law or otherwise is not complying with the 18059

conditions of the delinquent child's community control. The court 18060
also shall provide the written notice described in division (E)(2) 18061
of this section to each parent, guardian, or custodian of the 18062
delinquent child who is described in that division. 18063

(2) The court that places a child on community control under 18064
this section shall provide the child's parent, guardian, or other 18065
custodian with a written notice that informs them that authorized 18066
probation officers may conduct searches pursuant to division 18067
(E)(1) of this section. The notice shall specifically state that a 18068
permissible search might extend to a motor vehicle, another item 18069
of tangible or intangible personal property, or a place of 18070
residence or other real property in which a notified parent, 18071
guardian, or custodian has a right, title, or interest and that 18072
the parent, guardian, or custodian expressly or impliedly permits 18073
the child to use, occupy, or possess. 18074

(G) If a juvenile court commits a delinquent child to the 18075
custody of any person, organization, or entity pursuant to this 18076
section and if the delinquent act for which the child is so 18077
committed is a sexually oriented offense, the court in the order 18078
of disposition shall do one of the following: 18079

(1) Require that the child be provided treatment as described 18080
in division (A)(2) of section 5139.13 of the Revised Code; 18081

(2) Inform the person, organization, or entity that it is the 18082
preferred course of action in this state that the child be 18083
provided treatment as described in division (A)(2) of section 18084
5139.13 of the Revised Code and encourage the person, 18085
organization, or entity to provide that treatment. 18086

Sec. 2301.02. The number of judges of the court of common 18087
pleas for each county, the time for the next election of the 18088
judges in the several counties, and the beginning of their terms 18089
shall be as follows: 18090

(A) In Adams, Ashland, Fayette, and Pike counties, one judge, elected in 1956, term to begin February 9, 1957;	18091 18092
In Brown, Crawford, Defiance, Highland, Holmes, Morgan, Ottawa, and Union counties, one judge, to be elected in 1954, term to begin February 9, 1955;	18093 18094 18095
In Auglaize county, one judge, to be elected in 1956, term to begin January 9, 1957;	18096 18097
In Coshocton, Darke, Fulton, Gallia, Guernsey, Hardin, Jackson, Knox, Logan, Madison, Mercer, Monroe, Morrow, Paulding, Vinton, and Wyandot counties, one judge, to be elected in 1956, term to begin January 1, 1957;	18098 18099 18100 18101
In Carroll, Champaign, Clinton, Hocking, Meigs, Pickaway, Preble, Shelby, Van Wert, and Williams counties, one judge, to be elected in 1952, term to begin January 1, 1953;	18102 18103 18104
In Harrison and Noble counties, one judge, to be elected in 1954, term to begin April 18, 1955;	18105 18106
In Henry and Putnam counties, one judge, to be elected in 1956, term to begin May 9, 1957;	18107 18108
In Huron county, one judge, to be elected in 1952, term to begin May 14, 1953;	18109 18110
In Perry county, one judge, to be elected in 1954, term to begin July 6, 1956;	18111 18112
In Sandusky county, two judges, one to be elected in 1954, term to begin February 10, 1955, and one to be elected in 1978, term to begin January 1, 1979;	18113 18114 18115
(B) In Allen county, three judges, one to be elected in 1956, term to begin February 9, 1957, the second to be elected in 1958, term to begin January 1, 1959, and the third to be elected in 1992, term to begin January 1, 1993;	18116 18117 18118 18119

In Ashtabula county, three judges, one to be elected in 1954, 18120
term to begin February 9, 1955, one to be elected in 1960, term to 18121
begin January 1, 1961, and one to be elected in 1978, term to 18122
begin January 2, 1979; 18123

In Athens county, two judges, one to be elected in 1954, term 18124
to begin February 9, 1955, and one to be elected in 1990, term to 18125
begin July 1, 1991; 18126

In Erie county, two judges, one to be elected in 1956, term 18127
to begin January 1, 1957, and the second to be elected in 1970, 18128
term to begin January 2, 1971; 18129

In Fairfield county, three judges, one to be elected in 1954, 18130
term to begin February 9, 1955, the second to be elected in 1970, 18131
term to begin January 1, 1971, and the third to be elected in 18132
1994, term to begin January 2, 1995; 18133

In Geauga county, two judges, one to be elected in 1956, term 18134
to begin January 1, 1957, and the second to be elected in 1976, 18135
term to begin January 6, 1977; 18136

In Greene county, four judges, one to be elected in 1956, 18137
term to begin February 9, 1957, the second to be elected in 1960, 18138
term to begin January 1, 1961, the third to be elected in 1978, 18139
term to begin January 2, 1979, and the fourth to be elected in 18140
1994, term to begin January 1, 1995; 18141

In Hancock county, two judges, one to be elected in 1952, 18142
term to begin January 1, 1953, and the second to be elected in 18143
1978, term to begin January 1, 1979; 18144

In Lawrence county, two judges, one to be elected in 1954, 18145
term to begin February 9, 1955, and the second to be elected in 18146
1976, term to begin January 1, 1977; 18147

In Marion county, three judges, one to be elected in 1952, 18148
term to begin January 1, 1953, the second to be elected in 1976, 18149

term to begin January 2, 1977, and the third to be elected in	18150
1998, term to begin February 9, 1999;	18151
In Medina county, three judges, one to be elected in 1956,	18152
term to begin January 1, 1957, the second to be elected in 1966,	18153
term to begin January 1, 1967, and the third to be elected in	18154
1994, term to begin January 1, 1995;	18155
In Miami county, two judges, one to be elected in 1954, term	18156
to begin February 9, 1955, and one to be elected in 1970, term to	18157
begin on January 1, 1971;	18158
In Muskingum county, three judges, one to be elected in 1968,	18159
term to begin August 9, 1969, one to be elected in 1978, term to	18160
begin January 1, 1979, and one to be elected in 2002, term to	18161
begin January 2, 2003;	18162
In Portage county, three judges, one to be elected in 1956,	18163
term to begin January 1, 1957, the second to be elected in 1960,	18164
term to begin January 1, 1961, and the third to be elected in	18165
1986, term to begin January 2, 1987;	18166
In Ross county, two judges, one to be elected in 1956, term	18167
to begin February 9, 1957, and the second to be elected in 1976,	18168
term to begin January 1, 1977;	18169
In Scioto county, three judges, one to be elected in 1954,	18170
term to begin February 10, 1955, the second to be elected in 1960,	18171
term to begin January 1, 1961, and the third to be elected in	18172
1994, term to begin January 2, 1995;	18173
In Seneca county, two judges, one to be elected in 1956, term	18174
to begin January 1, 1957, and the second to be elected in 1986,	18175
term to begin January 2, 1987;	18176
In Warren county, three judges, one to be elected in 1954,	18177
term to begin February 9, 1955, the second to be elected in 1970,	18178
term to begin January 1, 1971, and the third to be elected in	18179

1986, term to begin January 1, 1987;	18180
In Washington county, two judges, one to be elected in 1952,	18181
term to begin January 1, 1953, and one to be elected in 1986, term	18182
to begin January 1, 1987;	18183
In Wood county, three judges, one to be elected in 1968, term	18184
beginning January 1, 1969, the second to be elected in 1970, term	18185
to begin January 2, 1971, and the third to be elected in 1990,	18186
term to begin January 1, 1991;	18187
In Belmont and Jefferson counties, two judges, to be elected	18188
in 1954, terms to begin January 1, 1955, and February 9, 1955,	18189
respectively;	18190
In Clark county, four judges, one to be elected in 1952, term	18191
to begin January 1, 1953, the second to be elected in 1956, term	18192
to begin January 2, 1957, the third to be elected in 1986, term to	18193
begin January 3, 1987, and the fourth to be elected in 1994, term	18194
to begin January 2, 1995.	18195
In Clermont county, four judges, one to be elected in 1956,	18196
term to begin January 1, 1957, the second to be elected in 1964,	18197
term to begin January 1, 1965, the third to be elected in 1982,	18198
term to begin January 2, 1983, and the fourth to be elected in	18199
1986, term to begin January 2, 1987;	18200
In Columbiana county, two judges, one to be elected in 1952,	18201
term to begin January 1, 1953, and the second to be elected in	18202
1956, term to begin January 1, 1957;	18203
In Delaware county, two judges, one to be elected in 1990,	18204
term to begin February 9, 1991, the second to be elected in 1994,	18205
term to begin January 1, 1995;	18206
In Lake county, six judges, one to be elected in 1958, term	18207
to begin January 1, 1959, the second to be elected in 1960, term	18208
to begin January 2, 1961, the third to be elected in 1964, term to	18209

begin January 3, 1965, the fourth and fifth to be elected in 1978, 18210
terms to begin January 4, 1979, and January 5, 1979, respectively, 18211
and the sixth to be elected in 2000, term to begin January 6, 18212
2001; 18213

In Licking county, three judges, one to be elected in 1954, 18214
term to begin February 9, 1955, one to be elected in 1964, term to 18215
begin January 1, 1965, and one to be elected in 1990, term to 18216
begin January 1, 1991; 18217

In Lorain county, eight judges, two to be elected in 1952, 18218
terms to begin January 1, 1953, and January 2, 1953, respectively, 18219
one to be elected in 1958, term to begin January 3, 1959, one to 18220
be elected in 1968, term to begin January 1, 1969, two to be 18221
elected in 1988, terms to begin January 4, 1989, and January 5, 18222
1989, respectively, and two to be elected in 1998, terms to begin 18223
January 2, 1999, and January 3, 1999, respectively; 18224

In Butler county, ten judges, one to be elected in 1956, term 18225
to begin January 1, 1957; two to be elected in 1954, terms to 18226
begin January 1, 1955, and February 9, 1955, respectively; one to 18227
be elected in 1968, term to begin January 2, 1969; one to be 18228
elected in 1986, term to begin January 3, 1987; two to be elected 18229
in 1988, terms to begin January 1, 1989, and January 2, 1989, 18230
respectively; one to be elected in 1992, term to begin January 4, 18231
1993; and two to be elected in 2002, terms to begin January 2, 18232
2003, and January 3, 2003, respectively; 18233

In Richland county, ~~three~~ four judges, one to be elected in 18234
1956, term to begin January 1, 1957, the second to be elected in 18235
1960, term to begin February 9, 1961, ~~and~~ the third to be elected 18236
in 1968, term to begin January 2, 1969, and the fourth to be 18237
elected in 2004, term to begin January 3, 2005; 18238

In Tuscarawas county, two judges, one to be elected in 1956, 18239
term to begin January 1, 1957, and the second to be elected in 18240

1960, term to begin January 2, 1961;	18241
In Wayne county, two judges, one to be elected in 1956, term beginning January 1, 1957, and one to be elected in 1968, term to begin January 2, 1969;	18242 18243 18244
In Trumbull county, six judges, one to be elected in 1952, term to begin January 1, 1953, the second to be elected in 1954, term to begin January 1, 1955, the third to be elected in 1956, term to begin January 1, 1957, the fourth to be elected in 1964, term to begin January 1, 1965, the fifth to be elected in 1976, term to begin January 2, 1977, and the sixth to be elected in 1994, term to begin January 3, 1995;	18245 18246 18247 18248 18249 18250 18251
(C) In Cuyahoga county, thirty-nine judges; eight to be elected in 1954, terms to begin on successive days beginning from January 1, 1955, to January 7, 1955, and February 9, 1955, respectively; eight to be elected in 1956, terms to begin on successive days beginning from January 1, 1957, to January 8, 1957; three to be elected in 1952, terms to begin from January 1, 1953, to January 3, 1953; two to be elected in 1960, terms to begin on January 8, 1961, and January 9, 1961, respectively; two to be elected in 1964, terms to begin January 4, 1965, and January 5, 1965, respectively; one to be elected in 1966, term to begin on January 10, 1967; four to be elected in 1968, terms to begin on successive days beginning from January 9, 1969, to January 12, 1969; two to be elected in 1974, terms to begin on January 18, 1975, and January 19, 1975, respectively; five to be elected in 1976, terms to begin on successive days beginning January 6, 1977, to January 10, 1977; two to be elected in 1982, terms to begin January 11, 1983, and January 12, 1983, respectively; and two to be elected in 1986, terms to begin January 13, 1987, and January 14, 1987, respectively;	18252 18253 18254 18255 18256 18257 18258 18259 18260 18261 18262 18263 18264 18265 18266 18267 18268 18269 18270
In Franklin county, twenty-one judges; two to be elected in 1954, terms to begin January 1, 1955, and February 9, 1955,	18271 18272

respectively; four to be elected in 1956, terms to begin January 1, 1957, to January 4, 1957; four to be elected in 1958, terms to begin January 1, 1959, to January 4, 1959; three to be elected in 1968, terms to begin January 5, 1969, to January 7, 1969; three to be elected in 1976, terms to begin on successive days beginning January 5, 1977, to January 7, 1977; one to be elected in 1982, term to begin January 8, 1983; one to be elected in 1986, term to begin January 9, 1987; two to be elected in 1990, terms to begin July 1, 1991, and July 2, 1991, respectively; and one to be elected in 1996, term to begin January 2, 1997;

In Hamilton county, twenty-one judges; eight to be elected in 1966, terms to begin January 1, 1967, January 2, 1967, and from February 9, 1967, to February 14, 1967, respectively; five to be elected in 1956, terms to begin from January 1, 1957, to January 5, 1957; one to be elected in 1964, term to begin January 1, 1965; one to be elected in 1974, term to begin January 15, 1975; one to be elected in 1980, term to begin January 16, 1981; two to be elected at large in the general election in 1982, terms to begin April 1, 1983; one to be elected in 1990, term to begin July 1, 1991; and two to be elected in 1996, terms to begin January 3, 1997, and January 4, 1997, respectively;

In Lucas county, fourteen judges; two to be elected in 1954, terms to begin January 1, 1955, and February 9, 1955, respectively; two to be elected in 1956, terms to begin January 1, 1957, and October 29, 1957, respectively; two to be elected in 1952, terms to begin January 1, 1953, and January 2, 1953, respectively; one to be elected in 1964, term to begin January 3, 1965; one to be elected in 1968, term to begin January 4, 1969; two to be elected in 1976, terms to begin January 4, 1977, and January 5, 1977, respectively; one to be elected in 1982, term to begin January 6, 1983; one to be elected in 1988, term to begin January 7, 1989; one to be elected in 1990, term to begin January

2, 1991; and one to be elected in 1992, term to begin January 2, 1993; 18305
18306

In Mahoning county, seven judges; three to be elected in 18307
1954, terms to begin January 1, 1955, January 2, 1955, and 18308
February 9, 1955, respectively; one to be elected in 1956, term to 18309
begin January 1, 1957; one to be elected in 1952, term to begin 18310
January 1, 1953; one to be elected in 1968, term to begin January 18311
2, 1969; and one to be elected in 1990, term to begin July 1, 18312
1991; 18313

In Montgomery county, fifteen judges; three to be elected in 18314
1954, terms to begin January 1, 1955, January 2, 1955, and January 18315
3, 1955, respectively; four to be elected in 1952, terms to begin 18316
January 1, 1953, January 2, 1953, July 1, 1953, July 2, 1953, 18317
respectively; one to be elected in 1964, term to begin January 3, 18318
1965; one to be elected in 1968, term to begin January 3, 1969; 18319
three to be elected in 1976, terms to begin on successive days 18320
beginning January 4, 1977, to January 6, 1977; two to be elected 18321
in 1990, terms to begin July 1, 1991, and July 2, 1991, 18322
respectively; and one to be elected in 1992, term to begin January 18323
1, 1993. 18324

In Stark county, eight judges; one to be elected in 1958, 18325
term to begin on January 2, 1959; two to be elected in 1954, terms 18326
to begin on January 1, 1955, and February 9, 1955, respectively; 18327
two to be elected in 1952, terms to begin January 1, 1953, and 18328
April 16, 1953, respectively; one to be elected in 1966, term to 18329
begin on January 4, 1967; and two to be elected in 1992, terms to 18330
begin January 1, 1993, and January 2, 1993, respectively; 18331

In Summit county, eleven judges; four to be elected in 1954, 18332
terms to begin January 1, 1955, January 2, 1955, January 3, 1955, 18333
and February 9, 1955, respectively; three to be elected in 1958, 18334
terms to begin January 1, 1959, January 2, 1959, and May 17, 1959, 18335
respectively; one to be elected in 1966, term to begin January 4, 18336

1967; one to be elected in 1968, term to begin January 5, 1969; 18337
one to be elected in 1990, term to begin May 1, 1991; and one to 18338
be elected in 1992, term to begin January 6, 1993. 18339

Notwithstanding the foregoing provisions, in any county 18340
having two or more judges of the court of common pleas, in which 18341
more than one-third of the judges plus one were previously elected 18342
at the same election, if the office of one of those judges so 18343
elected becomes vacant more than forty days prior to the second 18344
general election preceding the expiration of that judge's term, 18345
the office that that judge had filled shall be abolished as of the 18346
date of the next general election, and a new office of judge of 18347
the court of common pleas shall be created. The judge who is to 18348
fill that new office shall be elected for a six-year term at the 18349
next general election, and the term of that judge shall commence 18350
on the first day of the year following that general election, on 18351
which day no other judge's term begins, so that the number of 18352
judges that the county shall elect shall not be reduced. 18353

Judges of the probate division of the court of common pleas 18354
are judges of the court of common pleas but shall be elected 18355
pursuant to sections 2101.02 and 2101.021 of the Revised Code, 18356
except in Adams, Harrison, Henry, Morgan, Morrow, Noble, and 18357
Wyandot counties in which the judge of the court of common pleas 18358
elected pursuant to this section also shall serve as judge of the 18359
probate division. 18360

Sec. 2301.03. (A) In Franklin county, the judges of the court 18361
of common pleas whose terms begin on January 1, 1953, January 2, 18362
1953, January 5, 1969, January 5, 1977, and January 2, 1997, and 18363
successors, shall have the same qualifications, exercise the same 18364
powers and jurisdiction, and receive the same compensation as 18365
other judges of the court of common pleas of Franklin county and 18366
shall be elected and designated as judges of the court of common 18367

pleas, division of domestic relations. They shall have all the 18368
powers relating to juvenile courts, and all cases under Chapters 18369
2151. and 2152. of the Revised Code, all parentage proceedings 18370
under Chapter 3111. of the Revised Code over which the juvenile 18371
court has jurisdiction, and all divorce, dissolution of marriage, 18372
legal separation, and annulment cases shall be assigned to them. 18373
In addition to the judge's regular duties, the judge who is senior 18374
in point of service shall serve on the children services board and 18375
the county advisory board and shall be the administrator of the 18376
domestic relations division and its subdivisions and departments. 18377

18378

(B) In Hamilton county: 18379

(1) The judge of the court of common pleas, whose term begins 18380
on January 1, 1957, and successors, and the judge of the court of 18381
common pleas, whose term begins on February 14, 1967, and 18382
successors, shall be the juvenile judges as provided in Chapters 18383
2151. and 2152. of the Revised Code, with the powers and 18384
jurisdiction conferred by those chapters. 18385

(2) The judges of the court of common pleas whose terms begin 18386
on January 5, 1957, January 16, 1981, and July 1, 1991, and 18387
successors, shall be elected and designated as judges of the court 18388
of common pleas, division of domestic relations, and shall have 18389
assigned to them all divorce, dissolution of marriage, legal 18390
separation, and annulment cases coming before the court. On or 18391
after the first day of July and before the first day of August of 18392
1991 and each year thereafter, a majority of the judges of the 18393
division of domestic relations shall elect one of the judges of 18394
the division as administrative judge of that division. If a 18395
majority of the judges of the division of domestic relations are 18396
unable for any reason to elect an administrative judge for the 18397
division before the first day of August, a majority of the judges 18398
of the Hamilton county court of common pleas, as soon as possible 18399

after that date, shall elect one of the judges of the division of 18400
domestic relations as administrative judge of that division. The 18401
term of the administrative judge shall begin on the earlier of the 18402
first day of August of the year in which the administrative judge 18403
is elected or the date on which the administrative judge is 18404
elected by a majority of the judges of the Hamilton county court 18405
of common pleas and shall terminate on the date on which the 18406
administrative judge's successor is elected in the following year. 18407

In addition to the judge's regular duties, the administrative 18408
judge of the division of domestic relations shall be the 18409
administrator of the domestic relations division and its 18410
subdivisions and departments and shall have charge of the 18411
employment, assignment, and supervision of the personnel of the 18412
division engaged in handling, servicing, or investigating divorce, 18413
dissolution of marriage, legal separation, and annulment cases, 18414
including any referees considered necessary by the judges in the 18415
discharge of their various duties. 18416

The administrative judge of the division of domestic 18417
relations also shall designate the title, compensation, expense 18418
allowances, hours, leaves of absence, and vacations of the 18419
personnel of the division, and shall fix the duties of its 18420
personnel. The duties of the personnel, in addition to those 18421
provided for in other sections of the Revised Code, shall include 18422
the handling, servicing, and investigation of divorce, dissolution 18423
of marriage, legal separation, and annulment cases and counseling 18424
and conciliation services that may be made available to persons 18425
requesting them, whether or not the persons are parties to an 18426
action pending in the division. 18427

The board of county commissioners shall appropriate the sum 18428
of money each year as will meet all the administrative expenses of 18429
the division of domestic relations, including reasonable expenses 18430
of the domestic relations judges and the division counselors and 18431

other employees designated to conduct the handling, servicing, and 18432
investigation of divorce, dissolution of marriage, legal 18433
separation, and annulment cases, conciliation and counseling, and 18434
all matters relating to those cases and counseling, and the 18435
expenses involved in the attendance of division personnel at 18436
domestic relations and welfare conferences designated by the 18437
division, and the further sum each year as will provide for the 18438
adequate operation of the division of domestic relations. 18439

The compensation and expenses of all employees and the salary 18440
and expenses of the judges shall be paid by the county treasurer 18441
from the money appropriated for the operation of the division, 18442
upon the warrant of the county auditor, certified to by the 18443
administrative judge of the division of domestic relations. 18444

The summonses, warrants, citations, subpoenas, and other 18445
writs of the division may issue to a bailiff, constable, or staff 18446
investigator of the division or to the sheriff of any county or 18447
any marshal, constable, or police officer, and the provisions of 18448
law relating to the subpoenaing of witnesses in other cases shall 18449
apply insofar as they are applicable. When a summons, warrant, 18450
citation, subpoena, or other writ is issued to an officer, other 18451
than a bailiff, constable, or staff investigator of the division, 18452
the expense of serving it shall be assessed as a part of the costs 18453
in the case involved. 18454

(3) The judge of the court of common pleas of Hamilton county 18455
whose term begins on January 3, 1997, and the successor to that 18456
judge whose term begins on January 3, 2003, shall each be elected 18457
and designated for one term only as the drug court judge of the 18458
court of common pleas of Hamilton county. The successors to the 18459
judge whose term begins on January 3, 2003, shall be elected and 18460
designated as judges of the general division of the court of 18461
common pleas of Hamilton county and shall not have the authority 18462
granted by division (B)(3) of this section. The drug court judge 18463

may accept or reject any case referred to the drug court judge 18464
under division (B)(3) of this section. After the drug court judge 18465
accepts a referred case, the drug court judge has full authority 18466
over the case, including the authority to conduct arraignment, 18467
accept pleas, enter findings and dispositions, conduct trials, 18468
order treatment, and if treatment is not successfully completed 18469
pronounce and enter sentence. 18470

A judge of the general division of the court of common pleas 18471
of Hamilton county and a judge of the Hamilton county municipal 18472
court may refer to the drug court judge any case, and any 18473
companion cases, the judge determines meet the criteria described 18474
under divisions (B)(3)(a) and (b) of this section. If the drug 18475
court judge accepts referral of a referred case, the case, and any 18476
companion cases, shall be transferred to the drug court judge. A 18477
judge may refer a case meeting the criteria described in divisions 18478
(B)(3)(a) and (b) of this section that involves a violation of a 18479
term of probation to the drug court judge, and, if the drug court 18480
judge accepts the referral, the referring judge and the drug court 18481
judge have concurrent jurisdiction over the case. 18482

A judge of the general division of the court of common pleas 18483
of Hamilton county and a judge of the Hamilton county municipal 18484
court may refer a case to the drug court judge under division 18485
(B)(3) of this section if the judge determines that both of the 18486
following apply: 18487

(a) One of the following applies: 18488

(i) The case involves a drug abuse offense, as defined in 18489
section 2925.01 of the Revised Code, that is a felony of the third 18490
or fourth degree if the offense is committed prior to July 1, 18491
1996, a felony of the third, fourth, or fifth degree if the 18492
offense is committed on or after July 1, 1996, or a misdemeanor. 18493

(ii) The case involves a theft offense, as defined in section 18494

2913.01 of the Revised Code, that is a felony of the third or 18495
fourth degree if the offense is committed prior to July 1, 1996, a 18496
felony of the third, fourth, or fifth degree if the offense is 18497
committed on or after July 1, 1996, or a misdemeanor, and the 18498
defendant is drug or alcohol dependent or in danger of becoming 18499
drug or alcohol dependent and would benefit from treatment. 18500

(b) All of the following apply: 18501

(i) The case involves a probationable offense or a case in 18502
which a mandatory prison term is not required to be imposed. 18503

(ii) The defendant has no history of violent behavior. 18504

(iii) The defendant has no history of mental illness. 18505

(iv) The defendant's current or past behavior, or both, is 18506
drug or alcohol driven. 18507

(v) The defendant demonstrates a sincere willingness to 18508
participate in a fifteen-month treatment process. 18509

(vi) The defendant has no acute health condition. 18510

(vii) If the defendant is incarcerated, the county prosecutor 18511
approves of the referral. 18512

(4) If the administrative judge of the court of common pleas 18513
of Hamilton county determines that the volume of cases pending 18514
before the drug court judge does not constitute a sufficient 18515
caseload for the drug court judge, the administrative judge, in 18516
accordance with the Rules of Superintendence for Courts of Common 18517
Pleas, shall assign individual cases to the drug court judge from 18518
the general docket of the court. If the assignments so occur, the 18519
administrative judge shall cease the assignments when the 18520
administrative judge determines that the volume of cases pending 18521
before the drug court judge constitutes a sufficient caseload for 18522
the drug court judge. 18523

(C) In Lorain county, the judges of the court of common pleas 18524

whose terms begin on January 3, 1959, January 4, 1989, and January 18525
2, 1999, and successors, shall have the same qualifications, 18526
exercise the same powers and jurisdiction, and receive the same 18527
compensation as the other judges of the court of common pleas of 18528
Lorain county and shall be elected and designated as the judges of 18529
the court of common pleas, division of domestic relations. They 18530
shall have all of the powers relating to juvenile courts, and all 18531
cases under Chapters 2151. and 2152. of the Revised Code, all 18532
parentage proceedings over which the juvenile court has 18533
jurisdiction, and all divorce, dissolution of marriage, legal 18534
separation, and annulment cases shall be assigned to them, except 18535
cases that for some special reason are assigned to some other 18536
judge of the court of common pleas. 18537

(D) In Lucas county: 18538

(1) The judges of the court of common pleas whose terms begin 18539
on January 1, 1955, and January 3, 1965, and successors, shall 18540
have the same qualifications, exercise the same powers and 18541
jurisdiction, and receive the same compensation as other judges of 18542
the court of common pleas of Lucas county and shall be elected and 18543
designated as judges of the court of common pleas, division of 18544
domestic relations. All divorce, dissolution of marriage, legal 18545
separation, and annulment cases shall be assigned to them. 18546

The judge of the division of domestic relations, senior in 18547
point of service, shall be considered as the presiding judge of 18548
the court of common pleas, division of domestic relations, and 18549
shall be charged exclusively with the assignment and division of 18550
the work of the division and the employment and supervision of all 18551
other personnel of the domestic relations division. 18552

(2) The judges of the court of common pleas whose terms begin 18553
on January 5, 1977, and January 2, 1991, and successors shall have 18554
the same qualifications, exercise the same powers and 18555
jurisdiction, and receive the same compensation as other judges of 18556

the court of common pleas of Lucas county, shall be elected and 18557
designated as judges of the court of common pleas, juvenile 18558
division, and shall be the juvenile judges as provided in Chapters 18559
2151. and 2152. of the Revised Code with the powers and 18560
jurisdictions conferred by those chapters. In addition to the 18561
judge's regular duties, the judge of the court of common pleas, 18562
juvenile division, senior in point of service, shall be the 18563
administrator of the juvenile division and its subdivisions and 18564
departments and shall have charge of the employment, assignment, 18565
and supervision of the personnel of the division engaged in 18566
handling, servicing, or investigating juvenile cases, including 18567
any referees considered necessary by the judges of the division in 18568
the discharge of their various duties. 18569

The judge of the court of common pleas, juvenile division, 18570
senior in point of service, also shall designate the title, 18571
compensation, expense allowance, hours, leaves of absence, and 18572
vacation of the personnel of the division and shall fix the duties 18573
of the personnel of the division. The duties of the personnel, in 18574
addition to other statutory duties include the handling, 18575
servicing, and investigation of juvenile cases and counseling and 18576
conciliation services that may be made available to persons 18577
requesting them, whether or not the persons are parties to an 18578
action pending in the division. 18579

(3) If one of the judges of the court of common pleas, 18580
division of domestic relations, or one of the judges of the 18581
juvenile division is sick, absent, or unable to perform that 18582
judge's judicial duties or the volume of cases pending in that 18583
judge's division necessitates it, the duties shall be performed by 18584
the judges of the other of those divisions. 18585

(E) In Mahoning county: 18586

(1) The judge of the court of common pleas whose term began 18587
on January 1, 1955, and successors, shall have the same 18588

qualifications, exercise the same powers and jurisdiction, and 18589
receive the same compensation as other judges of the court of 18590
common pleas of Mahoning county, shall be elected and designated 18591
as judge of the court of common pleas, division of domestic 18592
relations, and shall be assigned all the divorce, dissolution of 18593
marriage, legal separation, and annulment cases coming before the 18594
court. In addition to the judge's regular duties, the judge of the 18595
court of common pleas, division of domestic relations, shall be 18596
the administrator of the domestic relations division and its 18597
subdivisions and departments and shall have charge of the 18598
employment, assignment, and supervision of the personnel of the 18599
division engaged in handling, servicing, or investigating divorce, 18600
dissolution of marriage, legal separation, and annulment cases, 18601
including any referees considered necessary in the discharge of 18602
the various duties of the judge's office. 18603

The judge also shall designate the title, compensation, 18604
expense allowances, hours, leaves of absence, and vacations of the 18605
personnel of the division and shall fix the duties of the 18606
personnel of the division. The duties of the personnel, in 18607
addition to other statutory duties, include the handling, 18608
servicing, and investigation of divorce, dissolution of marriage, 18609
legal separation, and annulment cases and counseling and 18610
conciliation services that may be made available to persons 18611
requesting them, whether or not the persons are parties to an 18612
action pending in the division. 18613

(2) The judge of the court of common pleas whose term began 18614
on January 2, 1969, and successors, shall have the same 18615
qualifications, exercise the same powers and jurisdiction, and 18616
receive the same compensation as other judges of the court of 18617
common pleas of Mahoning county, shall be elected and designated 18618
as judge of the court of common pleas, juvenile division, and 18619
shall be the juvenile judge as provided in Chapters 2151. and 18620

2152. of the Revised Code, with the powers and jurisdictions 18621
conferred by those chapters. In addition to the judge's regular 18622
duties, the judge of the court of common pleas, juvenile division, 18623
shall be the administrator of the juvenile division and its 18624
subdivisions and departments and shall have charge of the 18625
employment, assignment, and supervision of the personnel of the 18626
division engaged in handling, servicing, or investigating juvenile 18627
cases, including any referees considered necessary by the judge in 18628
the discharge of the judge's various duties. 18629

The judge also shall designate the title, compensation, 18630
expense allowances, hours, leaves of absence, and vacation of the 18631
personnel of the division and shall fix the duties of the 18632
personnel of the division. The duties of the personnel, in 18633
addition to other statutory duties, include the handling, 18634
servicing, and investigation of juvenile cases and counseling and 18635
conciliation services that may be made available to persons 18636
requesting them, whether or not the persons are parties to an 18637
action pending in the division. 18638

(3) If a judge of the court of common pleas, division of 18639
domestic relations or juvenile division, is sick, absent, or 18640
unable to perform that judge's judicial duties, or the volume of 18641
cases pending in that judge's division necessitates it, that 18642
judge's duties shall be performed by another judge of the court of 18643
common pleas. 18644

(F) In Montgomery county: 18645

(1) The judges of the court of common pleas whose terms begin 18646
on January 2, 1953, and January 4, 1977, and successors, shall 18647
have the same qualifications, exercise the same powers and 18648
jurisdiction, and receive the same compensation as other judges of 18649
the court of common pleas of Montgomery county and shall be 18650
elected and designated as judges of the court of common pleas, 18651
division of domestic relations. These judges shall have assigned 18652

to them all divorce, dissolution of marriage, legal separation, 18653
and annulment cases. 18654

The judge of the division of domestic relations, senior in 18655
point of service, shall be charged exclusively with the assignment 18656
and division of the work of the division and shall have charge of 18657
the employment and supervision of the personnel of the division 18658
engaged in handling, servicing, or investigating divorce, 18659
dissolution of marriage, legal separation, and annulment cases, 18660
including any necessary referees, except those employees who may 18661
be appointed by the judge, junior in point of service, under this 18662
section and sections 2301.12, 2301.18, and 2301.19 of the Revised 18663
Code. The judge of the division of domestic relations, senior in 18664
point of service, also shall designate the title, compensation, 18665
expense allowances, hours, leaves of absence, and vacation of the 18666
personnel of the division and shall fix their duties. 18667

(2) The judges of the court of common pleas whose terms begin 18668
on January 1, 1953, and January 1, 1993, and successors, shall 18669
have the same qualifications, exercise the same powers and 18670
jurisdiction, and receive the same compensation as other judges of 18671
the court of common pleas of Montgomery county, shall be elected 18672
and designated as judges of the court of common pleas, juvenile 18673
division, and shall be, and have the powers and jurisdiction of, 18674
the juvenile judge as provided in Chapters 2151. and 2152. of the 18675
Revised Code. 18676

In addition to the judge's regular duties, the judge of the 18677
court of common pleas, juvenile division, senior in point of 18678
service, shall be the administrator of the juvenile division and 18679
its subdivisions and departments and shall have charge of the 18680
employment, assignment, and supervision of the personnel of the 18681
juvenile division, including any necessary referees, who are 18682
engaged in handling, servicing, or investigating juvenile cases. 18683
The judge, senior in point of service, also shall designate the 18684

title, compensation, expense allowances, hours, leaves of absence, 18685
and vacation of the personnel of the division and shall fix their 18686
duties. The duties of the personnel, in addition to other 18687
statutory duties, shall include the handling, servicing, and 18688
investigation of juvenile cases and of any counseling and 18689
conciliation services that are available upon request to persons, 18690
whether or not they are parties to an action pending in the 18691
division. 18692

If one of the judges of the court of common pleas, division 18693
of domestic relations, or one of the judges of the court of common 18694
pleas, juvenile division, is sick, absent, or unable to perform 18695
that judge's duties or the volume of cases pending in that judge's 18696
division necessitates it, the duties of that judge may be 18697
performed by the judge or judges of the other of those divisions. 18698

(G) In Richland county, ~~the~~ 18699

(1) The judge of the court of common pleas whose term begins 18700
on January 1, 1957, and successors, shall have the same 18701
qualifications, exercise the same powers and jurisdiction, and 18702
receive the same compensation as the other judges of the court of 18703
common pleas of Richland county and shall be elected and 18704
designated as judge of the court of common pleas, division of 18705
domestic relations. That judge shall have ~~all of the powers~~ 18706
~~relating to juvenile courts, and all cases under Chapters 2151.~~ 18707
~~and 2152. of the Revised Code, all parentage proceedings over~~ 18708
~~which the juvenile court has jurisdiction, and assigned to that~~ 18709
judge and hear all divorce, dissolution of marriage, legal 18710
separation, and annulment cases ~~shall be assigned to that judge,~~ 18711
~~except in cases that for some special reason are assigned to some~~ 18712
~~other judge of the court of common pleas that come before the~~ 18713
court. Except in cases that are subject to the exclusive original 18714
jurisdiction of the juvenile court, the judge of the division of 18715
domestic relations shall have assigned to that judge and hear all 18716

cases pertaining to paternity, custody, visitation, child support, 18717
or the allocation of parental rights and responsibilities for the 18718
care of children and all post-decree proceedings arising from any 18719
case pertaining to any of those matters. The judge of the division 18720
of domestic relations shall have assigned to that judge and hear 18721
all proceedings under the uniform interstate family support act 18722
contained in Chapter 3115. of the Revised Code. 18723

(2) The judge of the court of common pleas whose term begins 18724
on January 3, 2005, and successors, shall have the same 18725
qualifications, exercise the same powers and jurisdiction, and 18726
receive the same compensation as other judges of the court of 18727
common pleas of Richland county, shall be elected and designated 18728
as judge of the court of common pleas, juvenile division, and 18729
shall be, and have the powers and jurisdiction of, the juvenile 18730
judge as provided in Chapters 2151. and 2152. of the Revised Code. 18731
Except in cases that are subject to the exclusive original 18732
jurisdiction of the juvenile court, the judge of the juvenile 18733
division shall not have jurisdiction or the power to hear, and 18734
shall not be assigned, any case pertaining to paternity, custody, 18735
visitation, child support, or the allocation of parental rights 18736
and responsibilities for the care of children or any post-decree 18737
proceeding arising from any case pertaining to any of those 18738
matters. The judge of the juvenile division shall not have 18739
jurisdiction or the power to hear, and shall not be assigned, any 18740
proceeding under the uniform interstate family support act 18741
contained in Chapter 3115. of the Revised Code. The judge of the 18742
juvenile division shall be the administrator of the juvenile 18743
division and its subdivisions and departments. The judge shall 18744
have charge of the employment, assignment, and supervision of the 18745
personnel of the juvenile division who are engaged in handling, 18746
servicing, or investigating juvenile cases, including any 18747
magistrates whom the judge considers necessary for the discharge 18748
of the judge's various duties. 18749

The judge of the juvenile division also shall designate the title, compensation, expense allowances, hours, leaves of absence, and vacation of the personnel of the division and shall fix their duties. The duties of the personnel, in addition to other statutory duties, include the handling, servicing, and investigation of juvenile cases and providing any counseling, conciliation, and mediation services that the court makes available to persons, whether or not the persons are parties to an action pending in the court, who request the services.

(H) In Stark county, the judges of the court of common pleas whose terms begin on January 1, 1953, January 2, 1959, and January 1, 1993, and successors, shall have the same qualifications, exercise the same powers and jurisdiction, and receive the same compensation as other judges of the court of common pleas of Stark county and shall be elected and designated as judges of the court of common pleas, division of domestic relations. They shall have all the powers relating to juvenile courts, and all cases under Chapters 2151. and 2152. of the Revised Code, all parentage proceedings over which the juvenile court has jurisdiction, and all divorce, dissolution of marriage, legal separation, and annulment cases, except cases that are assigned to some other judge of the court of common pleas for some special reason, shall be assigned to the judges.

The judge of the division of domestic relations, second most senior in point of service, shall have charge of the employment and supervision of the personnel of the division engaged in handling, servicing, or investigating divorce, dissolution of marriage, legal separation, and annulment cases, and necessary referees required for the judge's respective court.

The judge of the division of domestic relations, senior in point of service, shall be charged exclusively with the administration of sections 2151.13, 2151.16, 2151.17, and 2152.71

of the Revised Code and with the assignment and division of the 18782
work of the division and the employment and supervision of all 18783
other personnel of the division, including, but not limited to, 18784
that judge's necessary referees, but excepting those employees who 18785
may be appointed by the judge second most senior in point of 18786
service. The senior judge further shall serve in every other 18787
position in which the statutes permit or require a juvenile judge 18788
to serve. 18789

(I) In Summit county: 18790

(1) The judges of the court of common pleas whose terms begin 18791
on January 4, 1967, and January 6, 1993, and successors, shall 18792
have the same qualifications, exercise the same powers and 18793
jurisdiction, and receive the same compensation as other judges of 18794
the court of common pleas of Summit county and shall be elected 18795
and designated as judges of the court of common pleas, division of 18796
domestic relations. The judges of the division of domestic 18797
relations shall have assigned to them and hear all divorce, 18798
dissolution of marriage, legal separation, and annulment cases 18799
that come before the court. Except in cases that are subject to 18800
the exclusive original jurisdiction of the juvenile court, the 18801
judges of the division of domestic relations shall have assigned 18802
to them and hear all cases pertaining to paternity, custody, 18803
visitation, child support, or the allocation of parental rights 18804
and responsibilities for the care of children and all post-decree 18805
proceedings arising from any case pertaining to any of those 18806
matters. The judges of the division of domestic relations shall 18807
have assigned to them and hear all proceedings under the uniform 18808
interstate family support act contained in Chapter 3115. of the 18809
Revised Code. 18810

The judge of the division of domestic relations, senior in 18811
point of service, shall be the administrator of the domestic 18812
relations division and its subdivisions and departments and shall 18813

have charge of the employment, assignment, and supervision of the 18814
personnel of the division, including any necessary referees, who 18815
are engaged in handling, servicing, or investigating divorce, 18816
dissolution of marriage, legal separation, and annulment cases. 18817
That judge also shall designate the title, compensation, expense 18818
allowances, hours, leaves of absence, and vacations of the 18819
personnel of the division and shall fix their duties. The duties 18820
of the personnel, in addition to other statutory duties, shall 18821
include the handling, servicing, and investigation of divorce, 18822
dissolution of marriage, legal separation, and annulment cases and 18823
of any counseling and conciliation services that are available 18824
upon request to all persons, whether or not they are parties to an 18825
action pending in the division. 18826

(2) The judge of the court of common pleas whose term begins 18827
on January 1, 1955, and successors, shall have the same 18828
qualifications, exercise the same powers and jurisdiction, and 18829
receive the same compensation as other judges of the court of 18830
common pleas of Summit county, shall be elected and designated as 18831
judge of the court of common pleas, juvenile division, and shall 18832
be, and have the powers and jurisdiction of, the juvenile judge as 18833
provided in Chapters 2151. and 2152. of the Revised Code. Except 18834
in cases that are subject to the exclusive original jurisdiction 18835
of the juvenile court, the judge of the juvenile division shall 18836
not have jurisdiction or the power to hear, and shall not be 18837
assigned, any case pertaining to paternity, custody, visitation, 18838
child support, or the allocation of parental rights and 18839
responsibilities for the care of children or any post-decree 18840
proceeding arising from any case pertaining to any of those 18841
matters. The judge of the juvenile division shall not have 18842
jurisdiction or the power to hear, and shall not be assigned, any 18843
proceeding under the uniform interstate family support act 18844
contained in Chapter 3115. of the Revised Code. 18845

The juvenile judge shall be the administrator of the juvenile 18846
division and its subdivisions and departments and shall have 18847
charge of the employment, assignment, and supervision of the 18848
personnel of the juvenile division, including any necessary 18849
referees, who are engaged in handling, servicing, or investigating 18850
juvenile cases. The judge also shall designate the title, 18851
compensation, expense allowances, hours, leaves of absence, and 18852
vacation of the personnel of the division and shall fix their 18853
duties. The duties of the personnel, in addition to other 18854
statutory duties, shall include the handling, servicing, and 18855
investigation of juvenile cases and of any counseling and 18856
conciliation services that are available upon request to persons, 18857
whether or not they are parties to an action pending in the 18858
division. 18859

(J) In Trumbull county, the judges of the court of common 18860
pleas whose terms begin on January 1, 1953, and January 2, 1977, 18861
and successors, shall have the same qualifications, exercise the 18862
same powers and jurisdiction, and receive the same compensation as 18863
other judges of the court of common pleas of Trumbull county and 18864
shall be elected and designated as judges of the court of common 18865
pleas, division of domestic relations. They shall have all the 18866
powers relating to juvenile courts, and all cases under Chapters 18867
2151. and 2152. of the Revised Code, all parentage proceedings 18868
over which the juvenile court has jurisdiction, and all divorce, 18869
dissolution of marriage, legal separation, and annulment cases 18870
shall be assigned to them, except cases that for some special 18871
reason are assigned to some other judge of the court of common 18872
pleas. 18873

(K) In Butler county: 18874

(1) The judges of the court of common pleas whose terms begin 18875
on January 1, 1957, and January 4, 1993, and successors, shall 18876
have the same qualifications, exercise the same powers and 18877

jurisdiction, and receive the same compensation as other judges of 18878
the court of common pleas of Butler county and shall be elected 18879
and designated as judges of the court of common pleas, division of 18880
domestic relations. The judges of the division of domestic 18881
relations shall have assigned to them all divorce, dissolution of 18882
marriage, legal separation, and annulment cases coming before the 18883
court, except in cases that for some special reason are assigned 18884
to some other judge of the court of common pleas. The judge senior 18885
in point of service shall be charged with the assignment and 18886
division of the work of the division and with the employment and 18887
supervision of all other personnel of the domestic relations 18888
division. 18889

The judge senior in point of service also shall designate the 18890
title, compensation, expense allowances, hours, leaves of absence, 18891
and vacations of the personnel of the division and shall fix their 18892
duties. The duties of the personnel, in addition to other 18893
statutory duties, shall include the handling, servicing, and 18894
investigation of divorce, dissolution of marriage, legal 18895
separation, and annulment cases and providing any counseling and 18896
conciliation services that the division makes available to 18897
persons, whether or not the persons are parties to an action 18898
pending in the division, who request the services. 18899

(2) The judges of the court of common pleas whose terms begin 18900
on January 3, 1987, and January 2, 2003, and successors, shall 18901
have the same qualifications, exercise the same powers and 18902
jurisdiction, and receive the same compensation as other judges of 18903
the court of common pleas of Butler county, shall be elected and 18904
designated as judges of the court of common pleas, juvenile 18905
division, and shall be the juvenile judges as provided in Chapters 18906
2151. and 2152. of the Revised Code, with the powers and 18907
jurisdictions conferred by those chapters. The judge of the court 18908
of common pleas, juvenile division, who is senior in point of 18909

service, shall be the administrator of the juvenile division and 18910
its subdivisions and departments. The judge, senior in point of 18911
service, shall have charge of the employment, assignment, and 18912
supervision of the personnel of the juvenile division who are 18913
engaged in handling, servicing, or investigating juvenile cases, 18914
including any referees whom the judge considers necessary for the 18915
discharge of the judge's various duties. 18916

The judge, senior in point of service, also shall designate 18917
the title, compensation, expense allowances, hours, leaves of 18918
absence, and vacation of the personnel of the division and shall 18919
fix their duties. The duties of the personnel, in addition to 18920
other statutory duties, include the handling, servicing, and 18921
investigation of juvenile cases and providing any counseling and 18922
conciliation services that the division makes available to 18923
persons, whether or not the persons are parties to an action 18924
pending in the division, who request the services. 18925

(3) If a judge of the court of common pleas, division of 18926
domestic relations or juvenile division, is sick, absent, or 18927
unable to perform that judge's judicial duties or the volume of 18928
cases pending in the judge's division necessitates it, the duties 18929
of that judge shall be performed by the other judges of the 18930
domestic relations and juvenile divisions. 18931

(L)(1) In Cuyahoga county, the judges of the court of common 18932
pleas whose terms begin on January 8, 1961, January 9, 1961, 18933
January 18, 1975, January 19, 1975, and January 13, 1987, and 18934
successors, shall have the same qualifications, exercise the same 18935
powers and jurisdiction, and receive the same compensation as 18936
other judges of the court of common pleas of Cuyahoga county and 18937
shall be elected and designated as judges of the court of common 18938
pleas, division of domestic relations. They shall have all the 18939
powers relating to all divorce, dissolution of marriage, legal 18940
separation, and annulment cases, except in cases that are assigned 18941

to some other judge of the court of common pleas for some special 18942
reason. 18943

(2) The administrative judge is administrator of the domestic 18944
relations division and its subdivisions and departments and has 18945
the following powers concerning division personnel: 18946

(a) Full charge of the employment, assignment, and 18947
supervision; 18948

(b) Sole determination of compensation, duties, expenses, 18949
allowances, hours, leaves, and vacations. 18950

(3) "Division personnel" include persons employed or referees 18951
engaged in hearing, servicing, investigating, counseling, or 18952
conciliating divorce, dissolution of marriage, legal separation 18953
and annulment matters. 18954

(M) In Lake county: 18955

(1) The judge of the court of common pleas whose term begins 18956
on January 2, 1961, and successors, shall have the same 18957
qualifications, exercise the same powers and jurisdiction, and 18958
receive the same compensation as the other judges of the court of 18959
common pleas of Lake county and shall be elected and designated as 18960
judge of the court of common pleas, division of domestic 18961
relations. The judge shall be assigned all the divorce, 18962
dissolution of marriage, legal separation, and annulment cases 18963
coming before the court, except in cases that for some special 18964
reason are assigned to some other judge of the court of common 18965
pleas. The judge shall be charged with the assignment and division 18966
of the work of the division and with the employment and 18967
supervision of all other personnel of the domestic relations 18968
division. 18969

The judge also shall designate the title, compensation, 18970
expense allowances, hours, leaves of absence, and vacations of the 18971
personnel of the division and shall fix their duties. The duties 18972

of the personnel, in addition to other statutory duties, shall 18973
include the handling, servicing, and investigation of divorce, 18974
dissolution of marriage, legal separation, and annulment cases and 18975
providing any counseling and conciliation services that the 18976
division makes available to persons, whether or not the persons 18977
are parties to an action pending in the division, who request the 18978
services. 18979

(2) The judge of the court of common pleas whose term begins 18980
on January 4, 1979, and successors, shall have the same 18981
qualifications, exercise the same powers and jurisdiction, and 18982
receive the same compensation as other judges of the court of 18983
common pleas of Lake county, shall be elected and designated as 18984
judge of the court of common pleas, juvenile division, and shall 18985
be the juvenile judge as provided in Chapters 2151. and 2152. of 18986
the Revised Code, with the powers and jurisdictions conferred by 18987
those chapters. The judge of the court of common pleas, juvenile 18988
division, shall be the administrator of the juvenile division and 18989
its subdivisions and departments. The judge shall have charge of 18990
the employment, assignment, and supervision of the personnel of 18991
the juvenile division who are engaged in handling, servicing, or 18992
investigating juvenile cases, including any referees whom the 18993
judge considers necessary for the discharge of the judge's various 18994
duties. 18995

The judge also shall designate the title, compensation, 18996
expense allowances, hours, leaves of absence, and vacation of the 18997
personnel of the division and shall fix their duties. The duties 18998
of the personnel, in addition to other statutory duties, include 18999
the handling, servicing, and investigation of juvenile cases and 19000
providing any counseling and conciliation services that the 19001
division makes available to persons, whether or not the persons 19002
are parties to an action pending in the division, who request the 19003
services. 19004

(3) If a judge of the court of common pleas, division of domestic relations or juvenile division, is sick, absent, or unable to perform that judge's judicial duties or the volume of cases pending in the judge's division necessitates it, the duties of that judge shall be performed by the other judges of the domestic relations and juvenile divisions.

(N) In Erie county, the judge of the court of common pleas whose term begins on January 2, 1971, and successors, shall have the same qualifications, exercise the same powers and jurisdiction, and receive the same compensation as the other judge of the court of common pleas of Erie county and shall be elected and designated as judge of the court of common pleas, division of domestic relations. The judge shall have all the powers relating to juvenile courts, and shall be assigned all cases under Chapters 2151. and 2152. of the Revised Code, parentage proceedings over which the juvenile court has jurisdiction, and divorce, dissolution of marriage, legal separation, and annulment cases, except cases that for some special reason are assigned to some other judge.

(O) In Greene county:

(1) The judge of the court of common pleas whose term begins on January 1, 1961, and successors, shall have the same qualifications, exercise the same powers and jurisdiction, and receive the same compensation as the other judges of the court of common pleas of Greene county and shall be elected and designated as the judge of the court of common pleas, division of domestic relations. The judge shall be assigned all divorce, dissolution of marriage, legal separation, annulment, uniform reciprocal support enforcement, and domestic violence cases and all other cases related to domestic relations, except cases that for some special reason are assigned to some other judge of the court of common pleas.

The judge shall be charged with the assignment and division 19037
of the work of the division and with the employment and 19038
supervision of all other personnel of the division. The judge also 19039
shall designate the title, compensation, hours, leaves of absence, 19040
and vacations of the personnel of the division and shall fix their 19041
duties. The duties of the personnel of the division, in addition 19042
to other statutory duties, shall include the handling, servicing, 19043
and investigation of divorce, dissolution of marriage, legal 19044
separation, and annulment cases and the provision of counseling 19045
and conciliation services that the division considers necessary 19046
and makes available to persons who request the services, whether 19047
or not the persons are parties in an action pending in the 19048
division. The compensation for the personnel shall be paid from 19049
the overall court budget and shall be included in the 19050
appropriations for the existing judges of the general division of 19051
the court of common pleas. 19052

(2) The judge of the court of common pleas whose term begins 19053
on January 1, 1995, and successors, shall have the same 19054
qualifications, exercise the same powers and jurisdiction, and 19055
receive the same compensation as the other judges of the court of 19056
common pleas of Greene county, shall be elected and designated as 19057
judge of the court of common pleas, juvenile division, and, on or 19058
after January 1, 1995, shall be the juvenile judge as provided in 19059
Chapters 2151. and 2152. of the Revised Code with the powers and 19060
jurisdiction conferred by those chapters. The judge of the court 19061
of common pleas, juvenile division, shall be the administrator of 19062
the juvenile division and its subdivisions and departments. The 19063
judge shall have charge of the employment, assignment, and 19064
supervision of the personnel of the juvenile division who are 19065
engaged in handling, servicing, or investigating juvenile cases, 19066
including any referees whom the judge considers necessary for the 19067
discharge of the judge's various duties. 19068

The judge also shall designate the title, compensation, 19069
expense allowances, hours, leaves of absence, and vacation of the 19070
personnel of the division and shall fix their duties. The duties 19071
of the personnel, in addition to other statutory duties, include 19072
the handling, servicing, and investigation of juvenile cases and 19073
providing any counseling and conciliation services that the court 19074
makes available to persons, whether or not the persons are parties 19075
to an action pending in the court, who request the services. 19076

(3) If one of the judges of the court of common pleas, 19077
general division, is sick, absent, or unable to perform that 19078
judge's judicial duties or the volume of cases pending in the 19079
general division necessitates it, the duties of that judge of the 19080
general division shall be performed by the judge of the division 19081
of domestic relations and the judge of the juvenile division. 19082

(P) In Portage county, the judge of the court of common 19083
pleas, whose term begins January 2, 1987, and successors, shall 19084
have the same qualifications, exercise the same powers and 19085
jurisdiction, and receive the same compensation as the other 19086
judges of the court of common pleas of Portage county and shall be 19087
elected and designated as judge of the court of common pleas, 19088
division of domestic relations. The judge shall be assigned all 19089
divorce, dissolution of marriage, legal separation, and annulment 19090
cases coming before the court, except in cases that for some 19091
special reason are assigned to some other judge of the court of 19092
common pleas. The judge shall be charged with the assignment and 19093
division of the work of the division and with the employment and 19094
supervision of all other personnel of the domestic relations 19095
division. 19096

The judge also shall designate the title, compensation, 19097
expense allowances, hours, leaves of absence, and vacations of the 19098
personnel of the division and shall fix their duties. The duties 19099
of the personnel, in addition to other statutory duties, shall 19100

include the handling, servicing, and investigation of divorce, 19101
dissolution of marriage, legal separation, and annulment cases and 19102
providing any counseling and conciliation services that the 19103
division makes available to persons, whether or not the persons 19104
are parties to an action pending in the division, who request the 19105
services. 19106

(Q) In Clermont county, the judge of the court of common 19107
pleas, whose term begins January 2, 1987, and successors, shall 19108
have the same qualifications, exercise the same powers and 19109
jurisdiction, and receive the same compensation as the other 19110
judges of the court of common pleas of Clermont county and shall 19111
be elected and designated as judge of the court of common pleas, 19112
division of domestic relations. The judge shall be assigned all 19113
divorce, dissolution of marriage, legal separation, and annulment 19114
cases coming before the court, except in cases that for some 19115
special reason are assigned to some other judge of the court of 19116
common pleas. The judge shall be charged with the assignment and 19117
division of the work of the division and with the employment and 19118
supervision of all other personnel of the domestic relations 19119
division. 19120

The judge also shall designate the title, compensation, 19121
expense allowances, hours, leaves of absence, and vacations of the 19122
personnel of the division and shall fix their duties. The duties 19123
of the personnel, in addition to other statutory duties, shall 19124
include the handling, servicing, and investigation of divorce, 19125
dissolution of marriage, legal separation, and annulment cases and 19126
providing any counseling and conciliation services that the 19127
division makes available to persons, whether or not the persons 19128
are parties to an action pending in the division, who request the 19129
services. 19130

(R) In Warren county, the judge of the court of common pleas, 19131
whose term begins January 1, 1987, and successors, shall have the 19132

same qualifications, exercise the same powers and jurisdiction, 19133
and receive the same compensation as the other judges of the court 19134
of common pleas of Warren county and shall be elected and 19135
designated as judge of the court of common pleas, division of 19136
domestic relations. The judge shall be assigned all divorce, 19137
dissolution of marriage, legal separation, and annulment cases 19138
coming before the court, except in cases that for some special 19139
reason are assigned to some other judge of the court of common 19140
pleas. The judge shall be charged with the assignment and division 19141
of the work of the division and with the employment and 19142
supervision of all other personnel of the domestic relations 19143
division. 19144

The judge also shall designate the title, compensation, 19145
expense allowances, hours, leaves of absence, and vacations of the 19146
personnel of the division and shall fix their duties. The duties 19147
of the personnel, in addition to other statutory duties, shall 19148
include the handling, servicing, and investigation of divorce, 19149
dissolution of marriage, legal separation, and annulment cases and 19150
providing any counseling and conciliation services that the 19151
division makes available to persons, whether or not the persons 19152
are parties to an action pending in the division, who request the 19153
services. 19154

(S) In Licking county, the judge of the court of common 19155
pleas, whose term begins January 1, 1991, and successors, shall 19156
have the same qualifications, exercise the same powers and 19157
jurisdiction, and receive the same compensation as the other 19158
judges of the court of common pleas of Licking county and shall be 19159
elected and designated as judge of the court of common pleas, 19160
division of domestic relations. The judge shall be assigned all 19161
divorce, dissolution of marriage, legal separation, and annulment 19162
cases, all cases arising under Chapter 3111. of the Revised Code, 19163
all proceedings involving child support, the allocation of 19164

parental rights and responsibilities for the care of children and 19165
the designation for the children of a place of residence and legal 19166
custodian, parenting time, and visitation, and all post-decree 19167
proceedings and matters arising from those cases and proceedings, 19168
except in cases that for some special reason are assigned to 19169
another judge of the court of common pleas. The judge shall be 19170
charged with the assignment and division of the work of the 19171
division and with the employment and supervision of the personnel 19172
of the division. 19173

The judge shall designate the title, compensation, expense 19174
allowances, hours, leaves of absence, and vacations of the 19175
personnel of the division and shall fix the duties of the 19176
personnel of the division. The duties of the personnel of the 19177
division, in addition to other statutory duties, shall include the 19178
handling, servicing, and investigation of divorce, dissolution of 19179
marriage, legal separation, and annulment cases, cases arising 19180
under Chapter 3111. of the Revised Code, and proceedings involving 19181
child support, the allocation of parental rights and 19182
responsibilities for the care of children and the designation for 19183
the children of a place of residence and legal custodian, 19184
parenting time, and visitation and providing any counseling and 19185
conciliation services that the division makes available to 19186
persons, whether or not the persons are parties to an action 19187
pending in the division, who request the services. 19188

(T) In Allen county, the judge of the court of common pleas, 19189
whose term begins January 1, 1993, and successors, shall have the 19190
same qualifications, exercise the same powers and jurisdiction, 19191
and receive the same compensation as the other judges of the court 19192
of common pleas of Allen county and shall be elected and 19193
designated as judge of the court of common pleas, division of 19194
domestic relations. The judge shall be assigned all divorce, 19195
dissolution of marriage, legal separation, and annulment cases, 19196

all cases arising under Chapter 3111. of the Revised Code, all 19197
proceedings involving child support, the allocation of parental 19198
rights and responsibilities for the care of children and the 19199
designation for the children of a place of residence and legal 19200
custodian, parenting time, and visitation, and all post-decree 19201
proceedings and matters arising from those cases and proceedings, 19202
except in cases that for some special reason are assigned to 19203
another judge of the court of common pleas. The judge shall be 19204
charged with the assignment and division of the work of the 19205
division and with the employment and supervision of the personnel 19206
of the division. 19207

The judge shall designate the title, compensation, expense 19208
allowances, hours, leaves of absence, and vacations of the 19209
personnel of the division and shall fix the duties of the 19210
personnel of the division. The duties of the personnel of the 19211
division, in addition to other statutory duties, shall include the 19212
handling, servicing, and investigation of divorce, dissolution of 19213
marriage, legal separation, and annulment cases, cases arising 19214
under Chapter 3111. of the Revised Code, and proceedings involving 19215
child support, the allocation of parental rights and 19216
responsibilities for the care of children and the designation for 19217
the children of a place of residence and legal custodian, 19218
parenting time, and visitation, and providing any counseling and 19219
conciliation services that the division makes available to 19220
persons, whether or not the persons are parties to an action 19221
pending in the division, who request the services. 19222

(U) In Medina county, the judge of the court of common pleas 19223
whose term begins January 1, 1995, and successors, shall have the 19224
same qualifications, exercise the same powers and jurisdiction, 19225
and receive the same compensation as other judges of the court of 19226
common pleas of Medina county and shall be elected and designated 19227
as judge of the court of common pleas, division of domestic 19228

relations. The judge shall be assigned all divorce, dissolution of 19229
marriage, legal separation, and annulment cases, all cases arising 19230
under Chapter 3111. of the Revised Code, all proceedings involving 19231
child support, the allocation of parental rights and 19232
responsibilities for the care of children and the designation for 19233
the children of a place of residence and legal custodian, 19234
parenting time, and visitation, and all post-decree proceedings 19235
and matters arising from those cases and proceedings, except in 19236
cases that for some special reason are assigned to another judge 19237
of the court of common pleas. The judge shall be charged with the 19238
assignment and division of the work of the division and with the 19239
employment and supervision of the personnel of the division. 19240

The judge shall designate the title, compensation, expense 19241
allowances, hours, leaves of absence, and vacations of the 19242
personnel of the division and shall fix the duties of the 19243
personnel of the division. The duties of the personnel, in 19244
addition to other statutory duties, include the handling, 19245
servicing, and investigation of divorce, dissolution of marriage, 19246
legal separation, and annulment cases, cases arising under Chapter 19247
3111. of the Revised Code, and proceedings involving child 19248
support, the allocation of parental rights and responsibilities 19249
for the care of children and the designation for the children of a 19250
place of residence and legal custodian, parenting time, and 19251
visitation, and providing counseling and conciliation services 19252
that the division makes available to persons, whether or not the 19253
persons are parties to an action pending in the division, who 19254
request the services. 19255

(V) In Fairfield county, the judge of the court of common 19256
pleas whose term begins January 2, 1995, and successors, shall 19257
have the same qualifications, exercise the same powers and 19258
jurisdiction, and receive the same compensation as the other 19259
judges of the court of common pleas of Fairfield county and shall 19260

be elected and designated as judge of the court of common pleas, 19261
division of domestic relations. The judge shall be assigned all 19262
divorce, dissolution of marriage, legal separation, and annulment 19263
cases, all cases arising under Chapter 3111. of the Revised Code, 19264
all proceedings involving child support, the allocation of 19265
parental rights and responsibilities for the care of children and 19266
the designation for the children of a place of residence and legal 19267
custodian, parenting time, and visitation, and all post-decree 19268
proceedings and matters arising from those cases and proceedings, 19269
except in cases that for some special reason are assigned to 19270
another judge of the court of common pleas. The judge also has 19271
concurrent jurisdiction with the probate-juvenile division of the 19272
court of common pleas of Fairfield county with respect to and may 19273
hear cases to determine the custody of a child, as defined in 19274
section 2151.011 of the Revised Code, who is not the ward of 19275
another court of this state, cases that are commenced by a parent, 19276
guardian, or custodian of a child, as defined in section 2151.011 19277
of the Revised Code, to obtain an order requiring a parent of the 19278
child to pay child support for that child when the request for 19279
that order is not ancillary to an action for divorce, dissolution 19280
of marriage, annulment, or legal separation, a criminal or civil 19281
action involving an allegation of domestic violence, an action for 19282
support under Chapter 3115. of the Revised Code, or an action that 19283
is within the exclusive original jurisdiction of the 19284
probate-juvenile division of the court of common pleas of 19285
Fairfield county and that involves an allegation that the child is 19286
an abused, neglected, or dependent child, and post-decree 19287
proceedings and matters arising from those types of cases. 19288

The judge of the domestic relations division shall be charged 19289
with the assignment and division of the work of the division and 19290
with the employment and supervision of the personnel of the 19291
division. 19292

The judge shall designate the title, compensation, expense 19293
allowances, hours, leaves of absence, and vacations of the 19294
personnel of the division and shall fix the duties of the 19295
personnel of the division. The duties of the personnel of the 19296
division, in addition to other statutory duties, shall include the 19297
handling, servicing, and investigation of divorce, dissolution of 19298
marriage, legal separation, and annulment cases, cases arising 19299
under Chapter 3111. of the Revised Code, and proceedings involving 19300
child support, the allocation of parental rights and 19301
responsibilities for the care of children and the designation for 19302
the children of a place of residence and legal custodian, 19303
parenting time, and visitation, and providing any counseling and 19304
conciliation services that the division makes available to 19305
persons, regardless of whether the persons are parties to an 19306
action pending in the division, who request the services. When the 19307
judge hears a case to determine the custody of a child, as defined 19308
in section 2151.011 of the Revised Code, who is not the ward of 19309
another court of this state or a case that is commenced by a 19310
parent, guardian, or custodian of a child, as defined in section 19311
2151.011 of the Revised Code, to obtain an order requiring a 19312
parent of the child to pay child support for that child when the 19313
request for that order is not ancillary to an action for divorce, 19314
dissolution of marriage, annulment, or legal separation, a 19315
criminal or civil action involving an allegation of domestic 19316
violence, an action for support under Chapter 3115. of the Revised 19317
Code, or an action that is within the exclusive original 19318
jurisdiction of the probate-juvenile division of the court of 19319
common pleas of Fairfield county and that involves an allegation 19320
that the child is an abused, neglected, or dependent child, the 19321
duties of the personnel of the domestic relations division also 19322
include the handling, servicing, and investigation of those types 19323
of cases. 19324

(W)(1) In Clark county, the judge of the court of common pleas whose term begins on January 2, 1995, and successors, shall have the same qualifications, exercise the same powers and jurisdiction, and receive the same compensation as other judges of the court of common pleas of Clark county and shall be elected and designated as judge of the court of common pleas, domestic relations division. The judge shall have all the powers relating to juvenile courts, and all cases under Chapters 2151. and 2152. of the Revised Code and all parentage proceedings under Chapter 3111. of the Revised Code over which the juvenile court has jurisdiction shall be assigned to the judge of the division of domestic relations. All divorce, dissolution of marriage, legal separation, annulment, uniform reciprocal support enforcement, and other cases related to domestic relations shall be assigned to the domestic relations division, and the presiding judge of the court of common pleas shall assign the cases to the judge of the domestic relations division and the judges of the general division.

(2) In addition to the judge's regular duties, the judge of the division of domestic relations shall serve on the children services board and the county advisory board.

(3) If the judge of the court of common pleas of Clark county, division of domestic relations, is sick, absent, or unable to perform that judge's judicial duties or if the presiding judge of the court of common pleas of Clark county determines that the volume of cases pending in the division of domestic relations necessitates it, the duties of the judge of the division of domestic relations shall be performed by the judges of the general division or probate division of the court of common pleas of Clark county, as assigned for that purpose by the presiding judge of that court, and the judges so assigned shall act in conjunction with the judge of the division of domestic relations of that

court. 19357

(X) In Scioto county, the judge of the court of common pleas 19358
whose term begins January 2, 1995, and successors, shall have the 19359
same qualifications, exercise the same powers and jurisdiction, 19360
and receive the same compensation as other judges of the court of 19361
common pleas of Scioto county and shall be elected and designated 19362
as judge of the court of common pleas, division of domestic 19363
relations. The judge shall be assigned all divorce, dissolution of 19364
marriage, legal separation, and annulment cases, all cases arising 19365
under Chapter 3111. of the Revised Code, all proceedings involving 19366
child support, the allocation of parental rights and 19367
responsibilities for the care of children and the designation for 19368
the children of a place of residence and legal custodian, 19369
parenting time, visitation, and all post-decree proceedings and 19370
matters arising from those cases and proceedings, except in cases 19371
that for some special reason are assigned to another judge of the 19372
court of common pleas. The judge shall be charged with the 19373
assignment and division of the work of the division and with the 19374
employment and supervision of the personnel of the division. 19375

The judge shall designate the title, compensation, expense 19376
allowances, hours, leaves of absence, and vacations of the 19377
personnel of the division and shall fix the duties of the 19378
personnel of the division. The duties of the personnel, in 19379
addition to other statutory duties, include the handling, 19380
servicing, and investigation of divorce, dissolution of marriage, 19381
legal separation, and annulment cases, cases arising under Chapter 19382
3111. of the Revised Code, and proceedings involving child 19383
support, the allocation of parental rights and responsibilities 19384
for the care of children and the designation for the children of a 19385
place of residence and legal custodian, parenting time, and 19386
visitation, and providing counseling and conciliation services 19387
that the division makes available to persons, whether or not the 19388

persons are parties to an action pending in the division, who 19389
request the services. 19390

(Y) In Auglaize county, the judge of the probate and juvenile 19391
divisions of the Auglaize county court of common pleas also shall 19392
be the administrative judge of the domestic relations division of 19393
the court and shall be assigned all divorce, dissolution of 19394
marriage, legal separation, and annulment cases coming before the 19395
court. The judge shall have all powers as administrator of the 19396
domestic relations division and shall have charge of the personnel 19397
engaged in handling, servicing, or investigating divorce, 19398
dissolution of marriage, legal separation, and annulment cases, 19399
including any referees considered necessary for the discharge of 19400
the judge's various duties. 19401

(Z)(1) In Marion county, the judge of the court of common 19402
pleas whose term begins on February 9, 1999, and the successors to 19403
that judge, shall have the same qualifications, exercise the same 19404
powers and jurisdiction, and receive the same compensation as the 19405
other judges of the court of common pleas of Marion county and 19406
shall be elected and designated as judge of the court of common 19407
pleas, domestic relations-juvenile-probate division. Except as 19408
otherwise specified in this division, that judge, and the 19409
successors to that judge, shall have all the powers relating to 19410
juvenile courts, and all cases under Chapters 2151. and 2152. of 19411
the Revised Code, all cases arising under Chapter 3111. of the 19412
Revised Code, all divorce, dissolution of marriage, legal 19413
separation, and annulment cases, all proceedings involving child 19414
support, the allocation of parental rights and responsibilities 19415
for the care of children and the designation for the children of a 19416
place of residence and legal custodian, parenting time, and 19417
visitation, and all post-decree proceedings and matters arising 19418
from those cases and proceedings shall be assigned to that judge 19419
and the successors to that judge. Except as provided in division 19420

(Z)(2) of this section and notwithstanding any other provision of 19421
any section of the Revised Code, on and after February 9, 2003, 19422
the judge of the court of common pleas of Marion county whose term 19423
begins on February 9, 1999, and the successors to that judge, 19424
shall have all the powers relating to the probate division of the 19425
court of common pleas of Marion county in addition to the powers 19426
previously specified in this division, and shall exercise 19427
concurrent jurisdiction with the judge of the probate division of 19428
that court over all matters that are within the jurisdiction of 19429
the probate division of that court under Chapter 2101., and other 19430
provisions, of the Revised Code in addition to the jurisdiction of 19431
the domestic relations-juvenile-probate division of that court 19432
otherwise specified in division (Z)(1) of this section. 19433

(2) The judge of the domestic relations-juvenile-probate 19434
division of the court of common pleas of Marion county or the 19435
judge of the probate division of the court of common pleas of 19436
Marion county, whichever of those judges is senior in total length 19437
of service on the court of common pleas of Marion county, 19438
regardless of the division or divisions of service, shall serve as 19439
the clerk of the probate division of the court of common pleas of 19440
Marion county. 19441

(3) On and after February 9, 2003, all references in law to 19442
"the probate court," "the probate judge," "the juvenile court," or 19443
"the judge of the juvenile court" shall be construed, with respect 19444
to Marion county, as being references to both "the probate 19445
division" and "the domestic relations-juvenile-probate division" 19446
and as being references to both "the judge of the probate 19447
division" and "the judge of the domestic relations- 19448
juvenile-probate division." On and after February 9, 2003, all 19449
references in law to "the clerk of the probate court" shall be 19450
construed, with respect to Marion county, as being references to 19451
the judge who is serving pursuant to division (Z)(2) of this 19452

section as the clerk of the probate division of the court of 19453
common pleas of Marion county. 19454

(AA) In Muskingum county, the judge of the court of common 19455
pleas whose term begins on January 2, 2003, and successors, shall 19456
have the same qualifications, exercise the same powers and 19457
jurisdiction, and receive the same compensation as the other 19458
judges of the court of common pleas of Muskingum county and shall 19459
be elected and designated as the judge of the court of common 19460
pleas, division of domestic relations. The judge shall be assigned 19461
and hear all divorce, dissolution of marriage, legal separation, 19462
and annulment cases and all proceedings under the uniform 19463
interstate family support act contained in Chapter 3115. of the 19464
Revised Code. Except in cases that are subject to the exclusive 19465
original jurisdiction of the juvenile court, the judge shall be 19466
assigned and hear all cases pertaining to paternity, visitation, 19467
child support, the allocation of parental rights and 19468
responsibilities for the care of children, and the designation for 19469
the children of a place of residence and legal custodian, and all 19470
post-decree proceedings arising from any case pertaining to any of 19471
those matters. 19472

(BB) If a judge of the court of common pleas, division of 19473
domestic relations, or juvenile judge, of any of the counties 19474
mentioned in this section is sick, absent, or unable to perform 19475
that judge's judicial duties or the volume of cases pending in the 19476
judge's division necessitates it, the duties of that judge shall 19477
be performed by another judge of the court of common pleas of that 19478
county, assigned for that purpose by the presiding judge of the 19479
court of common pleas of that county to act in place of or in 19480
conjunction with that judge, as the case may require. 19481

Sec. 2301.58. (A) The director of the community-based 19482
correctional facility or district community-based correctional 19483

facility may establish a commissary for the facility. The 19484
commissary may be established either in-house or by another 19485
arrangement. If a commissary is established, all persons 19486
incarcerated in the facility shall receive commissary privileges. 19487
A person's purchases from the commissary shall be deducted from 19488
the person's account record in the facility's business office. The 19489
commissary shall provide for the distribution to indigent persons 19490
incarcerated in the facility necessary hygiene articles and 19491
writing materials. 19492

(B) If a commissary is established, the director of the 19493
community-based correctional facility or district community-based 19494
correctional facility shall establish a commissary fund for the 19495
facility. The management of funds in the commissary fund shall be 19496
strictly controlled in accordance with procedures adopted by the 19497
auditor of state. Commissary fund revenue over and above operating 19498
costs and reserve shall be considered profits. All profits from 19499
the commissary fund shall be used to purchase supplies and 19500
equipment for the benefit of persons incarcerated in the facility 19501
and to pay salary and benefits for employees of the facility, or 19502
for any other persons, who work in or are employed for the sole 19503
purpose of providing service to the commissary. The director of 19504
the community-based correctional facility or district 19505
community-based correctional facility shall adopt rules and 19506
regulations for the operation of any commissary fund the director 19507
establishes. 19508

Sec. 2305.234. (A) As used in this section: 19509

(1) "Chiropractic claim," "medical claim," and "optometric 19510
claim" have the same meanings as in section 2305.113 of the 19511
Revised Code. 19512

(2) "Dental claim" has the same meaning as in section 19513
2305.113 of the Revised Code, except that it does not include any 19514

claim arising out of a dental operation or any derivative claim	19515
for relief that arises out of a dental operation.	19516
(3) "Governmental health care program" has the same meaning	19517
as in section 4731.65 of the Revised Code.	19518
(4) "Health care professional" means any of the following who	19519
provide medical, dental, or other health-related diagnosis, care,	19520
or treatment:	19521
(a) Physicians authorized under Chapter 4731. of the Revised	19522
Code to practice medicine and surgery or osteopathic medicine and	19523
surgery;	19524
(b) Registered nurses, advanced practice nurses, and licensed	19525
practical nurses licensed under Chapter 4723. of the Revised Code;	19526
(c) Physician assistants authorized to practice under Chapter	19527
4730. of the Revised Code;	19528
(d) Dentists and dental hygienists licensed under Chapter	19529
4715. of the Revised Code;	19530
(e) Physical therapists licensed under Chapter 4755. of the	19531
Revised Code;	19532
(f) Chiropractors licensed under Chapter 4734. of the Revised	19533
Code;	19534
(g) Optometrists licensed under Chapter 4725. of the Revised	19535
Code;	19536
(h) Podiatrists authorized under Chapter 4731. of the Revised	19537
Code to practice podiatry;	19538
(i) Dietitians licensed under Chapter 4759. of the Revised	19539
Code;	19540
(j) Pharmacists licensed under Chapter 4729. of the Revised	19541
Code;	19542
(k) Emergency medical technicians-basic, emergency medical	19543

technicians-intermediate, and emergency medical 19544
technicians-paramedic, certified under Chapter 4765. of the 19545
Revised Code. 19546

(5) "Health care worker" means a person other than a health 19547
care professional who provides medical, dental, or other 19548
health-related care or treatment under the direction of a health 19549
care professional with the authority to direct that individual's 19550
activities, including medical technicians, medical assistants, 19551
dental assistants, orderlies, aides, and individuals acting in 19552
similar capacities. 19553

(6) "Indigent and uninsured person" means a person who meets 19554
all of the following requirements: 19555

(a) The person's income is not greater than one hundred fifty 19556
per cent of the current poverty line as defined by the United 19557
States office of management and budget and revised in accordance 19558
with section 673(2) of the "Omnibus Budget Reconciliation Act of 19559
1981," 95 Stat. 511, 42 U.S.C. 9902, as amended. 19560

(b) The person is not eligible to receive medical assistance 19561
under Chapter 5111., disability ~~assistance~~ medical assistance 19562
under Chapter 5115. of the Revised Code, or assistance under any 19563
other governmental health care program. 19564

(c) Either of the following applies: 19565

(i) The person is not a policyholder, certificate holder, 19566
insured, contract holder, subscriber, enrollee, member, 19567
beneficiary, or other covered individual under a health insurance 19568
or health care policy, contract, or plan. 19569

(ii) The person is a policyholder, certificate holder, 19570
insured, contract holder, subscriber, enrollee, member, 19571
beneficiary, or other covered individual under a health insurance 19572
or health care policy, contract, or plan, but the insurer, policy, 19573
contract, or plan denies coverage or is the subject of insolvency 19574

or bankruptcy proceedings in any jurisdiction. 19575

(7) "Operation" means any procedure that involves cutting or 19576
otherwise infiltrating human tissue by mechanical means, including 19577
surgery, laser surgery, ionizing radiation, therapeutic 19578
ultrasound, or the removal of intraocular foreign bodies. 19579
"Operation" does not include the administration of medication by 19580
injection, unless the injection is administered in conjunction 19581
with a procedure infiltrating human tissue by mechanical means 19582
other than the administration of medicine by injection. 19583

(8) "Nonprofit shelter or health care facility" means a 19584
charitable nonprofit corporation organized and operated pursuant 19585
to Chapter 1702. of the Revised Code, or any charitable 19586
organization not organized and not operated for profit, that 19587
provides shelter, health care services, or shelter and health care 19588
services to indigent and uninsured persons, except that "shelter 19589
or health care facility" does not include a hospital as defined in 19590
section 3727.01 of the Revised Code, a facility licensed under 19591
Chapter 3721. of the Revised Code, or a medical facility that is 19592
operated for profit. 19593

(9) "Tort action" means a civil action for damages for 19594
injury, death, or loss to person or property other than a civil 19595
action for damages for a breach of contract or another agreement 19596
between persons or government entities. 19597

(10) "Volunteer" means an individual who provides any 19598
medical, dental, or other health-care related diagnosis, care, or 19599
treatment without the expectation of receiving and without receipt 19600
of any compensation or other form of remuneration from an indigent 19601
and uninsured person, another person on behalf of an indigent and 19602
uninsured person, any shelter or health care facility, or any 19603
other person or government entity. 19604

(B)(1) Subject to divisions (E) and (F)(3) of this section, a 19605

health care professional who is a volunteer and complies with 19606
division (B)(2) of this section is not liable in damages to any 19607
person or government entity in a tort or other civil action, 19608
including an action on a medical, dental, chiropractic, 19609
optometric, or other health-related claim, for injury, death, or 19610
loss to person or property that allegedly arises from an action or 19611
omission of the volunteer in the provision at a nonprofit shelter 19612
or health care facility to an indigent and uninsured person of 19613
medical, dental, or other health-related diagnosis, care, or 19614
treatment, including the provision of samples of medicine and 19615
other medical products, unless the action or omission constitutes 19616
willful or wanton misconduct. 19617

(2) To qualify for the immunity described in division (B)(1) 19618
of this section, a health care professional shall do all of the 19619
following prior to providing diagnosis, care, or treatment: 19620

(a) Determine, in good faith, that the indigent and uninsured 19621
person is mentally capable of giving informed consent to the 19622
provision of the diagnosis, care, or treatment and is not subject 19623
to duress or under undue influence; 19624

(b) Inform the person of the provisions of this section; 19625

(c) Obtain the informed consent of the person and a written 19626
waiver, signed by the person or by another individual on behalf of 19627
and in the presence of the person, that states that the person is 19628
mentally competent to give informed consent and, without being 19629
subject to duress or under undue influence, gives informed consent 19630
to the provision of the diagnosis, care, or treatment subject to 19631
the provisions of this section. 19632

(3) A physician or podiatrist who is not covered by medical 19633
malpractice insurance, but complies with division (B)(2) of this 19634
section, is not required to comply with division (A) of section 19635
4731.143 of the Revised Code. 19636

(C) Subject to divisions (E) and (F)(3) of this section, 19637
health care workers who are volunteers are not liable in damages 19638
to any person or government entity in a tort or other civil 19639
action, including an action upon a medical, dental, chiropractic, 19640
optometric, or other health-related claim, for injury, death, or 19641
loss to person or property that allegedly arises from an action or 19642
omission of the health care worker in the provision at a nonprofit 19643
shelter or health care facility to an indigent and uninsured 19644
person of medical, dental, or other health-related diagnosis, 19645
care, or treatment, unless the action or omission constitutes 19646
willful or wanton misconduct. 19647

(D) Subject to divisions (E) and (F)(3) of this section and 19648
section 3701.071 of the Revised Code, a nonprofit shelter or 19649
health care facility associated with a health care professional 19650
described in division (B)(1) of this section or a health care 19651
worker described in division (C) of this section is not liable in 19652
damages to any person or government entity in a tort or other 19653
civil action, including an action on a medical, dental, 19654
chiropractic, optometric, or other health-related claim, for 19655
injury, death, or loss to person or property that allegedly arises 19656
from an action or omission of the health care professional or 19657
worker in providing for the shelter or facility medical, dental, 19658
or other health-related diagnosis, care, or treatment to an 19659
indigent and uninsured person, unless the action or omission 19660
constitutes willful or wanton misconduct. 19661

(E)(1) Except as provided in division (E)(2) of this section, 19662
the immunities provided by divisions (B), (C), and (D) of this 19663
section are not available to an individual or to a nonprofit 19664
shelter or health care facility if, at the time of an alleged 19665
injury, death, or loss to person or property, the individuals 19666
involved are providing one of the following: 19667

(a) Any medical, dental, or other health-related diagnosis, 19668

care, or treatment pursuant to a community service work order 19669
entered by a court under division (F) of section 2951.02 of the 19670
Revised Code as a condition of probation or other suspension of a 19671
term of imprisonment or imposed by a court as a community control 19672
sanction pursuant to sections 2929.15 and 2929.17 of the Revised 19673
Code. 19674

(b) Performance of an operation. 19675

(c) Delivery of a baby. 19676

(2) Division (E)(1) of this section does not apply to an 19677
individual who provides, or a nonprofit shelter or health care 19678
facility at which the individual provides, diagnosis, care, or 19679
treatment that is necessary to preserve the life of a person in a 19680
medical emergency. 19681

(F)(1) This section does not create a new cause of action or 19682
substantive legal right against a health care professional, health 19683
care worker, or nonprofit shelter or health care facility. 19684

(2) This section does not affect any immunities from civil 19685
liability or defenses established by another section of the 19686
Revised Code or available at common law to which an individual or 19687
a nonprofit shelter or health care facility may be entitled in 19688
connection with the provision of emergency or other diagnosis, 19689
care, or treatment. 19690

(3) This section does not grant an immunity from tort or 19691
other civil liability to an individual or a nonprofit shelter or 19692
health care facility for actions that are outside the scope of 19693
authority of health care professionals or health care workers. 19694

(4) This section does not affect any legal responsibility of 19695
a health care professional or health care worker to comply with 19696
any applicable law of this state or rule of an agency of this 19697
state. 19698

(5) This section does not affect any legal responsibility of 19699
a nonprofit shelter or health care facility to comply with any 19700
applicable law of this state, rule of an agency of this state, or 19701
local code, ordinance, or regulation that pertains to or regulates 19702
building, housing, air pollution, water pollution, sanitation, 19703
health, fire, zoning, or safety. 19704

Sec. 2329.07. If neither execution on a judgment rendered in 19705
a court of record or certified to the clerk of the court of common 19706
pleas in the county in which the judgment was rendered is issued, 19707
nor a certificate of judgment for obtaining a lien upon lands and 19708
tenements is issued and filed, as provided in sections 2329.02 and 19709
2329.04 of the Revised Code, within five years from the date of 19710
the judgment or within five years from the date of the issuance of 19711
the last execution thereon or the issuance and filing of the last 19712
such certificate, whichever is later, then, unless the judgment is 19713
in favor of the state, the judgment shall be dormant and shall not 19714
operate as a lien upon the estate of the judgment debtor. 19715

If the judgment is in favor of the state, the judgment shall 19716
not become dormant and shall not cease to operate as a lien 19717
against the estate of the judgment debtor ~~unless neither such~~ 19718
provided that either execution on the judgment is issued ~~nor such~~ 19719
or a certificate of judgment is issued and filed, as provided in 19720
sections 2329.02 and 2329.04 of the Revised Code, within ten years 19721
from the date of the judgment ~~or within ten years from the date of~~ 19722
~~the issuance of the last execution thereon or the issuance and~~ 19723
~~filing of the last such certificate, whichever is later.~~ 19724

If, in any county other than that in which a judgment was 19725
rendered, the judgment has become a lien by reason of the filing, 19726
in the office of the clerk of the court of common pleas of that 19727
county, of a certificate of the judgment as provided in sections 19728
2329.02 and 2329.04 of the Revised Code, and if no execution is 19729

issued for the enforcement of the judgment within that county, or 19730
no further certificate of the judgment is filed in that county, 19731
within five years ~~or, if the judgment is in favor of the state,~~ 19732
~~within ten years~~ from the date of issuance of the last execution 19733
for the enforcement of the judgment within that county or the date 19734
of filing of the last certificate in that county, whichever is the 19735
later, then the judgment shall cease to operate as a lien upon 19736
lands and tenements of the judgment debtor within that county, 19737
unless the judgment is in favor of the state, in which case the 19738
judgment shall not become dormant. 19739

~~This section applies to judgments in favor of the state.~~ 19740

Sec. 2329.66. (A) Every person who is domiciled in this state 19741
may hold property exempt from execution, garnishment, attachment, 19742
or sale to satisfy a judgment or order, as follows: 19743

(1)(a) In the case of a judgment or order regarding money 19744
owed for health care services rendered or health care supplies 19745
provided to the person or a dependent of the person, one parcel or 19746
item of real or personal property that the person or a dependent 19747
of the person uses as a residence. Division (A)(1)(a) of this 19748
section does not preclude, affect, or invalidate the creation 19749
under this chapter of a judgment lien upon the exempted property 19750
but only delays the enforcement of the lien until the property is 19751
sold or otherwise transferred by the owner or in accordance with 19752
other applicable laws to a person or entity other than the 19753
surviving spouse or surviving minor children of the judgment 19754
debtor. Every person who is domiciled in this state may hold 19755
exempt from a judgment lien created pursuant to division (A)(1)(a) 19756
of this section the person's interest, not to exceed five thousand 19757
dollars, in the exempted property. 19758

(b) In the case of all other judgments and orders, the 19759
person's interest, not to exceed five thousand dollars, in one 19760

parcel or item of real or personal property that the person or a dependent of the person uses as a residence. 19761
19762

(2) The person's interest, not to exceed one thousand dollars, in one motor vehicle; 19763
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(3) The person's interest, not to exceed two hundred dollars in any particular item, in wearing apparel, beds, and bedding, and the person's interest, not to exceed three hundred dollars in each item, in one cooking unit and one refrigerator or other food preservation unit; 19765
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(4)(a) The person's interest, not to exceed four hundred dollars, in cash on hand, money due and payable, money to become due within ninety days, tax refunds, and money on deposit with a bank, savings and loan association, credit union, public utility, landlord, or other person. Division (A)(4)(a) of this section applies only in bankruptcy proceedings. This exemption may include the portion of personal earnings that is not exempt under division (A)(13) of this section. 19770
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(b) Subject to division (A)(4)(d) of this section, the person's interest, not to exceed two hundred dollars in any particular item, in household furnishings, household goods, appliances, books, animals, crops, musical instruments, firearms, and hunting and fishing equipment, that are held primarily for the personal, family, or household use of the person; 19778
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(c) Subject to division (A)(4)(d) of this section, the person's interest in one or more items of jewelry, not to exceed four hundred dollars in one item of jewelry and not to exceed two hundred dollars in every other item of jewelry; 19784
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(d) Divisions (A)(4)(b) and (c) of this section do not include items of personal property listed in division (A)(3) of this section. 19788
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If the person does not claim an exemption under division 19791

(A)(1) of this section, the total exemption claimed under division 19792
(A)(4)(b) of this section shall be added to the total exemption 19793
claimed under division (A)(4)(c) of this section, and the total 19794
shall not exceed two thousand dollars. If the person claims an 19795
exemption under division (A)(1) of this section, the total 19796
exemption claimed under division (A)(4)(b) of this section shall 19797
be added to the total exemption claimed under division (A)(4)(c) 19798
of this section, and the total shall not exceed one thousand five 19799
hundred dollars. 19800

(5) The person's interest, not to exceed an aggregate of 19801
seven hundred fifty dollars, in all implements, professional 19802
books, or tools of the person's profession, trade, or business, 19803
including agriculture; 19804

(6)(a) The person's interest in a beneficiary fund set apart, 19805
appropriated, or paid by a benevolent association or society, as 19806
exempted by section 2329.63 of the Revised Code; 19807

(b) The person's interest in contracts of life or endowment 19808
insurance or annuities, as exempted by section 3911.10 of the 19809
Revised Code; 19810

(c) The person's interest in a policy of group insurance or 19811
the proceeds of a policy of group insurance, as exempted by 19812
section 3917.05 of the Revised Code; 19813

(d) The person's interest in money, benefits, charity, 19814
relief, or aid to be paid, provided, or rendered by a fraternal 19815
benefit society, as exempted by section 3921.18 of the Revised 19816
Code; 19817

(e) The person's interest in the portion of benefits under 19818
policies of sickness and accident insurance and in lump sum 19819
payments for dismemberment and other losses insured under those 19820
policies, as exempted by section 3923.19 of the Revised Code. 19821

(7) The person's professionally prescribed or medically 19822

necessary health aids;	19823
(8) The person's interest in a burial lot, including, but not limited to, exemptions under section 517.09 or 1721.07 of the Revised Code;	19824 19825 19826
(9) The person's interest in the following:	19827
(a) Moneys paid or payable for living maintenance or rights, as exempted by section 3304.19 of the Revised Code;	19828 19829
(b) Workers' compensation, as exempted by section 4123.67 of the Revised Code;	19830 19831
(c) Unemployment compensation benefits, as exempted by section 4141.32 of the Revised Code;	19832 19833
(d) Cash assistance payments under the Ohio works first program, as exempted by section 5107.75 of the Revised Code;	19834 19835
(e) Benefits and services under the prevention, retention, and contingency program, as exempted by section 5108.08 of the Revised Code;	19836 19837 19838
(f) Disability <u>financial</u> assistance payments, as exempted by section 5115.07 <u>5115.06</u> of the Revised Code.	19839 19840
(10)(a) Except in cases in which the person was convicted of or pleaded guilty to a violation of section 2921.41 of the Revised Code and in which an order for the withholding of restitution from payments was issued under division (C)(2)(b) of that section or in cases in which an order for withholding was issued under section 2907.15 of the Revised Code, and only to the extent provided in the order, and except as provided in sections 3105.171, 3105.63, 3119.80, 3119.81, 3121.02, 3121.03, and 3123.06 of the Revised Code, the person's right to a pension, benefit, annuity, retirement allowance, or accumulated contributions, the person's right to a participant account in any deferred compensation program offered by the Ohio public employees deferred compensation	19841 19842 19843 19844 19845 19846 19847 19848 19849 19850 19851 19852

board, a government unit, or a municipal corporation, or the 19853
person's other accrued or accruing rights, as exempted by section 19854
145.56, 146.13, 148.09, 742.47, 3307.41, 3309.66, or 5505.22 of 19855
the Revised Code, and the person's right to benefits from the Ohio 19856
public safety officers death benefit fund; 19857

(b) Except as provided in sections 3119.80, 3119.81, 3121.02, 19858
3121.03, and 3123.06 of the Revised Code, the person's right to 19859
receive a payment under any pension, annuity, or similar plan or 19860
contract, not including a payment from a stock bonus or 19861
profit-sharing plan or a payment included in division (A)(6)(b) or 19862
(10)(a) of this section, on account of illness, disability, death, 19863
age, or length of service, to the extent reasonably necessary for 19864
the support of the person and any of the person's dependents, 19865
except if all the following apply: 19866

(i) The plan or contract was established by or under the 19867
auspices of an insider that employed the person at the time the 19868
person's rights under the plan or contract arose. 19869

(ii) The payment is on account of age or length of service. 19870

(iii) The plan or contract is not qualified under the 19871
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as 19872
amended. 19873

(c) Except for any portion of the assets that were deposited 19874
for the purpose of evading the payment of any debt and except as 19875
provided in sections 3119.80, 3119.81, 3121.02, 3121.03, and 19876
3123.06 of the Revised Code, the person's right in the assets held 19877
in, or to receive any payment under, any individual retirement 19878
account, individual retirement annuity, "Roth IRA," or education 19879
individual retirement account that provides benefits by reason of 19880
illness, disability, death, or age, to the extent that the assets, 19881
payments, or benefits described in division (A)(10)(c) of this 19882
section are attributable to any of the following: 19883

(i) Contributions of the person that were less than or equal 19884
to the applicable limits on deductible contributions to an 19885
individual retirement account or individual retirement annuity in 19886
the year that the contributions were made, whether or not the 19887
person was eligible to deduct the contributions on the person's 19888
federal tax return for the year in which the contributions were 19889
made; 19890

(ii) Contributions of the person that were less than or equal 19891
to the applicable limits on contributions to a Roth IRA or 19892
education individual retirement account in the year that the 19893
contributions were made; 19894

(iii) Contributions of the person that are within the 19895
applicable limits on rollover contributions under subsections 219, 19896
402(c), 403(a)(4), 403(b)(8), 408(b), 408(d)(3), 408A(c)(3)(B), 19897
408A(d)(3), and 530(d)(5) of the "Internal Revenue Code of 1986," 19898
100 Stat. 2085, 26 U.S.C.A. 1, as amended. 19899

(d) Except for any portion of the assets that were deposited 19900
for the purpose of evading the payment of any debt and except as 19901
provided in sections 3119.80, 3119.81, 3121.02, 3121.03, and 19902
3123.06 of the Revised Code, the person's right in the assets held 19903
in, or to receive any payment under, any Keogh or "H.R. 10" plan 19904
that provides benefits by reason of illness, disability, death, or 19905
age, to the extent reasonably necessary for the support of the 19906
person and any of the person's dependents. 19907

(11) The person's right to receive spousal support, child 19908
support, an allowance, or other maintenance to the extent 19909
reasonably necessary for the support of the person and any of the 19910
person's dependents; 19911

(12) The person's right to receive, or moneys received during 19912
the preceding twelve calendar months from, any of the following: 19913

(a) An award of reparations under sections 2743.51 to 2743.72 19914

of the Revised Code, to the extent exempted by division (D) of 19915
section 2743.66 of the Revised Code; 19916

(b) A payment on account of the wrongful death of an 19917
individual of whom the person was a dependent on the date of the 19918
individual's death, to the extent reasonably necessary for the 19919
support of the person and any of the person's dependents; 19920

(c) Except in cases in which the person who receives the 19921
payment is an inmate, as defined in section 2969.21 of the Revised 19922
Code, and in which the payment resulted from a civil action or 19923
appeal against a government entity or employee, as defined in 19924
section 2969.21 of the Revised Code, a payment, not to exceed five 19925
thousand dollars, on account of personal bodily injury, not 19926
including pain and suffering or compensation for actual pecuniary 19927
loss, of the person or an individual for whom the person is a 19928
dependent; 19929

(d) A payment in compensation for loss of future earnings of 19930
the person or an individual of whom the person is or was a 19931
dependent, to the extent reasonably necessary for the support of 19932
the debtor and any of the debtor's dependents. 19933

(13) Except as provided in sections 3119.80, 3119.81, 19934
3121.02, 3121.03, and 3123.06 of the Revised Code, personal 19935
earnings of the person owed to the person for services in an 19936
amount equal to the greater of the following amounts: 19937

(a) If paid weekly, thirty times the current federal minimum 19938
hourly wage; if paid biweekly, sixty times the current federal 19939
minimum hourly wage; if paid semimonthly, sixty-five times the 19940
current federal minimum hourly wage; or if paid monthly, one 19941
hundred thirty times the current federal minimum hourly wage that 19942
is in effect at the time the earnings are payable, as prescribed 19943
by the "Fair Labor Standards Act of 1938," 52 Stat. 1060, 29 19944
U.S.C. 206(a)(1), as amended; 19945

(b) Seventy-five per cent of the disposable earnings owed to the person.	19946 19947
(14) The person's right in specific partnership property, as exempted by division (B)(3) of section 1775.24 of the Revised Code;	19948 19949 19950
(15) A seal and official register of a notary public, as exempted by section 147.04 of the Revised Code;	19951 19952
(16) The person's interest in a tuition credit or a payment under section 3334.09 of the Revised Code pursuant to a tuition credit contract, as exempted by section 3334.15 of the Revised Code;	19953 19954 19955 19956
(17) Any other property that is specifically exempted from execution, attachment, garnishment, or sale by federal statutes other than the "Bankruptcy Reform Act of 1978," 92 Stat. 2549, 11 U.S.C.A. 101, as amended;	19957 19958 19959 19960
(18) The person's interest, not to exceed four hundred dollars, in any property, except that division (A)(18) of this section applies only in bankruptcy proceedings.	19961 19962 19963
(B) As used in this section:	19964
(1) "Disposable earnings" means net earnings after the garnishee has made deductions required by law, excluding the deductions ordered pursuant to section 3119.80, 3119.81, 3121.02, 3121.03, or 3123.06 of the Revised Code.	19965 19966 19967 19968
(2) "Insider" means:	19969
(a) If the person who claims an exemption is an individual, a relative of the individual, a relative of a general partner of the individual, a partnership in which the individual is a general partner, a general partner of the individual, or a corporation of which the individual is a director, officer, or in control;	19970 19971 19972 19973 19974
(b) If the person who claims an exemption is a corporation, a	19975

director or officer of the corporation; a person in control of the 19976
corporation; a partnership in which the corporation is a general 19977
partner; a general partner of the corporation; or a relative of a 19978
general partner, director, officer, or person in control of the 19979
corporation; 19980

(c) If the person who claims an exemption is a partnership, a 19981
general partner in the partnership; a general partner of the 19982
partnership; a person in control of the partnership; a partnership 19983
in which the partnership is a general partner; or a relative in, a 19984
general partner of, or a person in control of the partnership; 19985

(d) An entity or person to which or whom any of the following 19986
applies: 19987

(i) The entity directly or indirectly owns, controls, or 19988
holds with power to vote, twenty per cent or more of the 19989
outstanding voting securities of the person who claims an 19990
exemption, unless the entity holds the securities in a fiduciary 19991
or agency capacity without sole discretionary power to vote the 19992
securities or holds the securities solely to secure to debt and 19993
the entity has not in fact exercised the power to vote. 19994

(ii) The entity is a corporation, twenty per cent or more of 19995
whose outstanding voting securities are directly or indirectly 19996
owned, controlled, or held with power to vote, by the person who 19997
claims an exemption or by an entity to which division (B)(2)(d)(i) 19998
of this section applies. 19999

(iii) A person whose business is operated under a lease or 20000
operating agreement by the person who claims an exemption, or a 20001
person substantially all of whose business is operated under an 20002
operating agreement with the person who claims an exemption. 20003

(iv) The entity operates the business or all or substantially 20004
all of the property of the person who claims an exemption under a 20005
lease or operating agreement. 20006

(e) An insider, as otherwise defined in this section, of a person or entity to which division (B)(2)(d)(i), (ii), (iii), or (iv) of this section applies, as if the person or entity were a person who claims an exemption;

(f) A managing agent of the person who claims an exemption.

(3) "Participant account" has the same meaning as in section 148.01 of the Revised Code.

(4) "Government unit" has the same meaning as in section 148.06 of the Revised Code.

(C) For purposes of this section, "interest" shall be determined as follows:

(1) In bankruptcy proceedings, as of the date a petition is filed with the bankruptcy court commencing a case under Title 11 of the United States Code;

(2) In all cases other than bankruptcy proceedings, as of the date of an appraisal, if necessary under section 2329.68 of the Revised Code, or the issuance of a writ of execution.

An interest, as determined under division (C)(1) or (2) of this section, shall not include the amount of any lien otherwise valid pursuant to section 2329.661 of the Revised Code.

Sec. 2335.39. (A) As used in this section:

(1) "Court" means any court of record.

(2) "Eligible party" means a party to an action or appeal involving the state, other than the following:

(a) The state;

(b) An individual whose net worth exceeded one million dollars at the time the action or appeal was filed;

(c) A sole owner of an unincorporated business that had, or a

partnership, corporation, association, or organization that had, a 20035
net worth exceeding five million dollars at the time the action or 20036
appeal was filed, except that an organization that is described in 20037
subsection 501(c)(3) and is tax exempt under subsection 501(a) of 20038
the Internal Revenue Code shall not be excluded as an eligible 20039
party under this division because of its net worth; 20040

(d) A sole owner of an unincorporated business that employed, 20041
or a partnership, corporation, association, or organization that 20042
employed, more than five hundred persons at the time the action or 20043
appeal was filed. 20044

(3) "Fees" means reasonable attorney's fees, in an amount not 20045
to exceed seventy-five dollars per hour or a higher hourly fee 20046
approved by the court. 20047

(4) "Internal Revenue Code" means the "Internal Revenue Code 20048
of 1954," 68A Stat. 3, 26 U.S.C. 1, as amended. 20049

(5) "Prevailing eligible party" means an eligible party that 20050
prevails in an action or appeal involving the state. 20051

(6) "State" has the same meaning as in section 2743.01 of the 20052
Revised Code. 20053

(B)(1) Except as provided in divisions (B)(2) and (F) of this 20054
section, in a civil action, or appeal of a judgment in a civil 20055
action, to which the state is a party, or in an appeal of an 20056
adjudication order of an agency pursuant to section 119.12 of the 20057
Revised Code, the prevailing eligible party is entitled, upon 20058
filing a motion in accordance with this division, to compensation 20059
for fees incurred by that party in connection with the action or 20060
appeal. Compensation, when payable to a prevailing eligible party 20061
under this section, is in addition to any other costs and expenses 20062
that may be awarded to that party by the court pursuant to law or 20063
rule. 20064

A prevailing eligible party that desires an award of 20065

compensation for fees shall file a motion requesting the award 20066
with the court within thirty days after the court enters final 20067
judgment in the action or appeal. The motion shall do all of the 20068
following: 20069

(a) Identify the party; 20070

(b) Indicate that the party is the prevailing eligible party 20071
and is entitled to receive an award of compensation for fees; 20072

(c) Include a statement that the state's position in 20073
initiating the matter in controversy was not substantially 20074
justified; 20075

(d) Indicate the amount sought as an award; 20076

(e) Itemize all fees sought in the requested award. The 20077
itemization shall include a statement from any attorney who 20078
represented the prevailing eligible party, that indicates the fees 20079
charged, the actual time expended, and the rate at which the fees 20080
were calculated. 20081

(2) Upon the filing of a motion under this section, the court 20082
shall review the request for the award of compensation for fees 20083
and determine whether the position of the state in initiating the 20084
matter in controversy was substantially justified, whether special 20085
circumstances make an award unjust, and whether the prevailing 20086
eligible party engaged in conduct during the course of the action 20087
or appeal that unduly and unreasonably protracted the final 20088
resolution of the matter in controversy. The court shall issue an 20089
order, in writing, on the motion of the prevailing eligible party, 20090
which order shall include a statement indicating whether an award 20091
has been granted, the findings and conclusions underlying it, the 20092
reasons or bases for the findings and conclusions, and, if an 20093
award has been granted, its amount. The order shall be included in 20094
the record of the action or appeal, and the clerk of the court 20095
shall mail a certified copy of it to the state and the prevailing 20096

eligible party. 20097

With respect to a motion under this section, the state has 20098
the burden of proving that its position in initiating the matter 20099
in controversy was substantially justified, that special 20100
circumstances make an award unjust, or that the prevailing 20101
eligible party engaged in conduct during the course of the action 20102
or appeal that unduly and unreasonably protracted the final 20103
resolution of the matter in controversy. 20104

A court considering a motion under this section may deny an 20105
award entirely, or reduce the amount of an award that otherwise 20106
would be payable, to a prevailing eligible party only as follows: 20107

(a) If the court determines that the state has sustained its 20108
burden of proof that its position in initiating the matter in 20109
controversy was substantially justified or that special 20110
circumstances make an award unjust, the motion shall be denied; 20111

(b) If the court determines that the state has sustained its 20112
burden of proof that the prevailing eligible party engaged in 20113
conduct during the course of the action or appeal that unduly and 20114
unreasonably protracted the final resolution of the matter in 20115
controversy, the court may reduce the amount of an award, or deny 20116
an award, to that party to the extent of that conduct. 20117

An order of a court considering a motion under this section 20118
is appealable as in other cases, by a prevailing eligible party 20119
that is denied an award or receives a reduced award. If the case 20120
is an appeal of the adjudication order of an agency pursuant to 20121
section 119.12 of the Revised Code, the agency may appeal an order 20122
granting an award. The order of the court may be modified by the 20123
appellate court only if it finds that the grant or the failure to 20124
grant an award, or the calculation of the amount of an award, 20125
involved an abuse of discretion. 20126

(C) Compensation for fees awarded to a prevailing eligible 20127

party under this section may be paid by the specific branch of the 20128
state government or the state department, board, office, 20129
commission, agency, institution, or other instrumentality over 20130
which the party prevailed in the action or appeal from any funds 20131
available to it for payment of such compensation. If compensation 20132
is not paid from such funds or such funds are not available, upon 20133
the filing of the court's order in favor of the prevailing 20134
eligible party with the clerk of the court of claims, the order 20135
shall be treated as if it were a judgment under Chapter 2743. of 20136
the Revised Code and be payable in accordance with the procedures 20137
specified in section 2743.19 of the Revised Code, except that 20138
interest shall not be paid in relation to the award. 20139

(D) If compensation for fees is awarded under this section to 20140
a prevailing eligible party that is appealing an agency 20141
adjudication order pursuant to section 119.12 of the Revised Code, 20142
it shall include the fees incurred in the appeal and, if requested 20143
in the motion, the fees incurred by the party in the adjudication 20144
hearing conducted under Chapter 119. of the Revised Code. A motion 20145
containing such a request shall itemize, in the manner described 20146
in division (B)(1)(e) of section 119.092 of the Revised Code, the 20147
fees, as defined in that section, that are sought in an award. 20148

(E) Each court that orders during any fiscal year 20149
compensation for fees to be paid to a prevailing eligible party 20150
pursuant to this section shall prepare a report for that year. The 20151
report shall be completed no later than the first day of October 20152
of the fiscal year following the fiscal year covered by the 20153
report, and copies of it shall be filed with the general assembly. 20154
It shall contain the following information: 20155

(1) The total amount and total number of awards of 20156
compensation for fees required to be paid to prevailing eligible 20157
parties; 20158

(2) The amount and nature of each individual award ordered; 20159

(3) Any other information that may aid the general assembly
in evaluating the scope and impact of awards of compensation for
fees.

(F) The provisions of this section do not apply in
~~appropriation~~ any of the following:

(1) Appropriation proceedings under Chapter 163. of the
Revised Code; ~~in civil~~

(2) Civil actions or appeals of civil actions that involve
torts; ~~or in an~~

(3) An appeal pursuant to section 119.12 of the Revised Code
that involves ~~an~~ any of the following:

(a) An adjudication order entered after a hearing described
in division (F) of section 119.092 of the Revised Code, ~~or that~~
~~involves a;~~

(b) A prevailing eligible party represented in the appeal by
an attorney who was paid pursuant to an appropriation by the
federal or state government or a local government;

(c) An administrative appeal decision made under section
5101.35 of the Revised Code.

Sec. 2505.13. If a supersedeas bond has been executed and
filed and the surety is one other than a surety company, the clerk
of the court with which the bond has been filed, upon request,
shall issue a certificate that sets forth the fact that the bond
has been filed and that states the style and number of the appeal,
the amount of the bond, and the sureties on it. Such a certificate
may be filed in the office of the county recorder of any county in
which the sureties may own land, and, when filed, the bond shall
be a lien upon the land of the sureties in such county. The lien
shall be extinguished upon the satisfaction, reversal, or vacation
of the final order, judgment, or decree involved, or by an order

of the court that entered the final order, judgment, or decree, 20190
that releases the lien or releases certain land from the operation 20191
of the lien. 20192

The clerk, upon request, shall issue a notice of discharge of 20193
such a lien, which may be filed in the office of any recorder in 20194
whose office the certificate of lien was filed. Such notice shall 20195
state that the final order, judgment, or decree involved is 20196
satisfied, reversed, or vacated, or that an order has been entered 20197
that releases the lien or certain land from the operation of the 20198
lien. Such recorder shall properly keep and file such certificates 20199
and notices as are filed with ~~him~~ the recorder and shall index 20200
them in the book or record provided for in section 2937.27 of the 20201
Revised Code. 20202

The fee for issuing such a certificate or notice shall be as 20203
provided by law, and shall be taxed as part of the costs of the 20204
appeal. A county recorder shall receive a base fee of fifty cents 20205
for filing and indexing such a certificate, which fee shall cover 20206
the filing and the entering on the index of ~~such a~~ the notice and 20207
a housing trust fund fee of fifty cents pursuant to section 317.36 20208
of the Revised Code. 20209

Sec. 2715.041. (A) Upon the filing of a motion for an order 20210
of attachment pursuant to section 2715.03 of the Revised Code, the 20211
plaintiff shall file with the clerk of the court a praecipe 20212
instructing the clerk to issue to the defendant against whom the 20213
motion was filed a notice of the proceeding. Upon receipt of the 20214
praecipe, the clerk shall issue the notice which shall be in 20215
substantially the following form: 20216

"(Name and Address of Court) 20217

Case No..... 20218

(Case Caption) 20219

NOTICE 20220

You are hereby notified that (name and address of plaintiff), 20221
the plaintiff in this proceeding, has applied to this court for 20222
the attachment of property in your possession. The basis for this 20223
application is indicated in the documents that are enclosed with 20224
this notice. 20225

The law of Ohio and the United States provides that certain 20226
benefit payments cannot be taken from you to pay a debt. Typical 20227
among the benefits that cannot be attached or executed on by a 20228
creditor are: 20229

(1) Workers' compensation benefits; 20230

(2) Unemployment compensation payments; 20231

(3) Cash assistance payments under the Ohio works first 20232
program; 20233

(4) Benefits and services under the prevention, retention, 20234
and contingency program; 20235

(5) Disability financial assistance administered by the Ohio 20236
department of job and family services; 20237

(6) Social security benefits; 20238

(7) Supplemental security income (S.S.I.); 20239

(8) Veteran's benefits; 20240

(9) Black lung benefits; 20241

(10) Certain pensions. 20242

Additionally, your wages never can be taken to pay a debt 20243
until a judgment has been obtained against you. There may be other 20244
benefits not included in this list that apply in your case. 20245

If you dispute the plaintiff's claim and believe that you are 20246
entitled to retain possession of the property because it is exempt 20247
or for any other reason, you may request a hearing before this 20248
court by disputing the claim in the request for hearing form 20249

appearing below, or in a substantially similar form, and 20250
delivering the request for the hearing to this court, at the 20251
office of the clerk of this court, not later than the end of the 20252
fifth business day after you receive this notice. You may state 20253
your reasons for disputing the claim in the space provided on the 20254
form, but you are not required to do so. If you do state your 20255
reasons for disputing the claim in the space provided on the form, 20256
you are not prohibited from stating any other reasons at the 20257
hearing, and if you do not state your reasons, it will not be held 20258
against you by the court and you can state your reasons at the 20259
hearing. 20260

If you request a hearing, it will be conducted in 20261
..... courtroom, (address of court), at 20262
.....m. on, 20263

You may avoid having a hearing but retain possession of the 20264
property until the entry of final judgment in the action by filing 20265
with the court, at the office of the clerk of this court, not 20266
later than the end of the fifth business day after you receive 20267
this notice, a bond executed by an acceptable surety in the amount 20268
of \$..... 20269

If you do not request a hearing or file a bond on or before 20270
the end of the fifth business day after you receive this notice, 20271
the court, without further notice to you, may order a law 20272
enforcement officer or bailiff to take possession of the property. 20273
Notice of the dates, times, places, and purposes of any subsequent 20274
hearings and of the date, time, and place of the trial of the 20275
action will be sent to you. 20276

..... 20277
Clerk of Court 20278
Date:....." 20279

(B) Along with the notice required by division (A) of this 20280
section, the clerk of the court also shall deliver to the 20281

defendant, in accordance with division (C) of this section, a 20282
request for hearing form together with a postage-paid, 20283
self-addressed envelope or a request for hearing form on a 20284
postage-paid, self-addressed postcard. The request for hearing 20285
shall be in substantially the following form: 20286

"(Name and Address of Court) 20287

Case Number Date 20288

REQUEST FOR HEARING 20289

I dispute the claim for the attachment of property in the 20290
above case and request that a hearing in this matter be held at 20291
the time and place set forth in the notice that I previously 20292
received. 20293

I dispute the claim for the following reasons: 20294

..... 20295

(Optional) 20296

..... 20297

..... 20298

..... 20299

(Name of Defendant) 20300

..... 20301

(Signature) 20302

..... 20303

(Date) 20304

WARNING: IF YOU DO NOT DELIVER THIS REQUEST FOR HEARING OR A 20305
REQUEST IN A SUBSTANTIALLY SIMILAR FORM TO THE OFFICE OF THE CLERK 20306
OF THIS COURT WITHIN FIVE (5) BUSINESS DAYS OF YOUR RECEIPT OF IT, 20307
YOU WAIVE YOUR RIGHT TO A HEARING AT THIS TIME AND YOU MAY BE 20308
REQUIRED TO GIVE UP THE PROPERTY SOUGHT WITHOUT A HEARING." 20309

(C) The notice required by division (A) of this section shall 20310
be served on the defendant in duplicate not less than seven 20311

business days prior to the date on which the hearing is scheduled, 20312
together with a copy of the complaint and summons, if not 20313
previously served, and a copy of the motion for the attachment of 20314
property and the affidavit attached to the motion, in the same 20315
manner as provided in the Rules of Civil Procedure for the service 20316
of process. Service may be effected by publication as provided in 20317
the Rules of Civil Procedure except that the number of weeks for 20318
publication may be reduced by the court to the extent appropriate. 20319

Sec. 2715.045. (A) Upon the filing of a motion for 20320
attachment, a court may issue an order of attachment without 20321
issuing notice to the defendant against whom the motion was filed 20322
and without conducting a hearing if the court finds that there is 20323
probable cause to support the motion and that the plaintiff that 20324
filed the motion for attachment will suffer irreparable injury if 20325
the order is delayed until the defendant against whom the motion 20326
has been filed has been given the opportunity for a hearing. The 20327
court's findings shall be based upon the motion and affidavit 20328
filed pursuant to section 2715.03 of the Revised Code and any 20329
other relevant evidence that it may wish to consider. 20330

(B) A finding by the court that the plaintiff will suffer 20331
irreparable injury may be made only if the court finds the 20332
existence of either of the following circumstances: 20333

(1) There is present danger that the property will be 20334
immediately disposed of, concealed, or placed beyond the 20335
jurisdiction of the court. 20336

(2) The value of the property will be impaired substantially 20337
if the issuance of an order of attachment is delayed. 20338

(C)(1) Upon the issuance by a court of an order of attachment 20339
without notice and hearing pursuant to this section, the plaintiff 20340
shall file the order with the clerk of the court, together with a 20341
praecipe instructing the clerk to issue to the defendant against 20342

whom the order was issued a copy of the motion, affidavit, and
order of attachment, and a notice that an order of attachment was
issued and that the defendant has a right to a hearing on the
matter. The clerk then immediately shall serve upon the defendant,
in the manner provided by the Rules of Civil Procedure for service
of process, a copy of the complaint and summons, if not previously
served, a copy of the motion, affidavit, and order of attachment,
and the following notice:

"(Name and Address of the Court)

(Case Caption)

Case No.

NOTICE

You are hereby notified that this court has issued an order
in the above case in favor of (name and address of plaintiff), the
plaintiff in this proceeding, directing that property now in your
possession, be taken from you. This order was issued on the basis
of the plaintiff's claim against you as indicated in the documents
that are enclosed with this notice.

The law of Ohio and the United States provides that certain
benefit payments cannot be taken from you to pay a debt. Typical
among the benefits that cannot be attached or executed on by a
creditor are:

(1) Workers' compensation benefits;

(2) Unemployment compensation payments;

(3) Cash assistance payments under the Ohio works first
program;

(4) Benefits and services under the prevention, retention,
and contingency program;

(5) Disability financial assistance administered by the Ohio
department of job and family services;

(6) Social security benefits;

- (7) Supplemental security income (S.S.I.); 20373
- (8) Veteran's benefits; 20374
- (9) Black lung benefits; 20375
- (10) Certain pensions. 20376

Additionally, your wages never can be taken to pay a debt 20377
until a judgment has been obtained against you. There may be other 20378
benefits not included in this list that apply in your case. 20379

If you dispute the plaintiff's claim and believe that you are 20380
entitled to possession of the property because it is exempt or for 20381
any other reason, you may request a hearing before this court by 20382
disputing the claim in the request for hearing form, appearing 20383
below, or in a substantially similar form, and delivering the 20384
request for hearing to this court at the above address, at the 20385
office of the clerk of this court, no later than the end of the 20386
fifth business day after you receive this notice. You may state 20387
your reasons for disputing the claim in the space provided on the 20388
form; however, you are not required to do so. If you do state your 20389
reasons for disputing the claim, you are not prohibited from 20390
stating any other reasons at the hearing, and if you do not state 20391
your reasons, it will not be held against you by the court and you 20392
can state your reasons at the hearing. If you request a hearing, 20393
it will be held within three business days after delivery of your 20394
request for hearing and notice of the date, time, and place of the 20395
hearing will be sent to you. 20396

You may avoid a hearing but recover and retain possession of 20397
the property until the entry of final judgment in the action by 20398
filing with the court, at the office of the clerk of this court, 20399
not later than the end of the fifth business day after you receive 20400
this notice, a bond executed by an acceptable surety in the amount 20401
of \$..... 20402

If you do not request a hearing or file a bond before the end of the fifth business day after you receive this notice, possession of the property will be withheld from you during the pendency of the action. Notice of the dates, times, places, and purposes of any subsequent hearings and of the date, time, and place of the trial of the action will be sent to you.

.....
Clerk of the Court
.....
Date"

(2) Along with the notice required by division (C)(1) of this section, the clerk of the court also shall deliver to the defendant a request for hearing form together with a postage-paid, self-addressed envelope or a request for hearing form on a postage-paid, self-addressed postcard. The request for hearing shall be in substantially the following form:

"(Name and Address of Court)
Case Number Date
REQUEST FOR HEARING

I dispute the claim for possession of property in the above case and request that a hearing in this matter be held within three business days after delivery of this request to the court.

I dispute the claim for the following reasons:
.....

(Optional)
.....

.....
.....
(Name of Defendant)
.....

(Signature) 20433

..... 20434

(Date) 20435

WARNING: IF YOU DO NOT DELIVER THIS REQUEST FOR HEARING OR A 20436
REQUEST IN A SUBSTANTIALLY SIMILAR FORM TO THE OFFICE OF THE CLERK 20437
OF THIS COURT WITHIN FIVE (5) BUSINESS DAYS OF YOUR RECEIPT OF IT, 20438
YOU WAIVE YOUR RIGHT TO A HEARING AND POSSESSION OF THE PROPERTY 20439
WILL BE WITHHELD FROM YOU DURING THE PENDENCY OF THE ACTION." 20440

(D) The defendant may receive a hearing in accordance with 20441
section 2715.043 of the Revised Code by delivering a written 20442
request for hearing to the court within five business days after 20443
receipt of the notice provided pursuant to division (C) of this 20444
section. The request may set forth the defendant's reasons for 20445
disputing the plaintiff's claim for possession of property. 20446
However, neither the defendant's inclusion of nor failure to 20447
include such reasons upon the request constitutes a waiver of any 20448
defense of the defendant or affects the defendant's right to 20449
produce evidence at any hearing or at the trial of the action. If 20450
the request is made by the defendant, the court shall schedule a 20451
hearing within three business days after the request is made, send 20452
notice to the parties of the date, time, and place of the hearing, 20453
and hold the hearing accordingly. 20454

(E) If, after hearing, the court finds that there is not 20455
probable cause to support the motion, it shall order that the 20456
property be redelivered to the defendant without the condition of 20457
bond. 20458

Sec. 2716.13. (A) Upon the filing of a proceeding in 20459
garnishment of property, other than personal earnings, under 20460
section 2716.11 of the Revised Code, the court shall cause the 20461
matter to be set for hearing within twelve days after that filing. 20462

(B) Upon the scheduling of a hearing relative to a proceeding 20463

in garnishment of property, other than personal earnings, under 20464
division (A) of this section, the clerk of the court immediately 20465
shall issue to the garnishee three copies of the order of 20466
garnishment of property, other than personal earnings, and of a 20467
written notice that the garnishee answer as provided in section 20468
2716.21 of the Revised Code and the garnishee's fee required by 20469
section 2716.12 of the Revised Code. The copies of the order and 20470
of the notice shall be served upon the garnishee in the same 20471
manner as a summons is served. The copies of the order and of the 20472
notice shall not be served later than seven days prior to the date 20473
on which the hearing is scheduled. The order shall bind the 20474
property, other than personal earnings, of the judgment debtor in 20475
the possession of the garnishee at the time of service. 20476

The order of garnishment of property, other than personal 20477
earnings, and notice to answer shall be in substantially the 20478
following form: 20479

"ORDER AND NOTICE OF GARNISHMENT 20480
OF PROPERTY OTHER THAN PERSONAL EARNINGS 20481
AND ANSWER OF GARNISHEE 20482

Docket No. 20483
Case No. 20484
In the Court 20485
....., Ohio 20486

The State of Ohio 20487

County of, ss 20488

....., Judgment Creditor 20489

vs. 20490

....., Judgment Debtor 20491

SECTION A. COURT ORDER AND NOTICE OF GARNISHMENT 20492

To:, Garnishee 20493

The judgment creditor in the above case has filed an 20494

affidavit, satisfactory to the undersigned, in this Court stating 20495
that you have money, property, or credits, other than personal 20496
earnings, in your hands or under your control that belong to the 20497
judgment debtor, and that some of the money, property, or credits 20498
may not be exempt from garnishment under the laws of the State of 20499
Ohio or the laws of the United States. 20500

You are therefore ordered to complete the "ANSWER OF 20501
GARNISHEE" in section (B) of this form. Return one completed and 20502
signed copy of this form to the clerk of this court together with 20503
the amount determined in accordance with the "ANSWER OF GARNISHEE" 20504
by the following date on which a hearing is tentatively scheduled 20505
relative to this order of garnishment: Deliver one 20506
completed and signed copy of this form to the judgment debtor 20507
prior to that date. Keep the other completed and signed copy of 20508
this form for your files. 20509

The total probable amount now due on this judgment is 20510
\$..... The total probable amount now due includes the unpaid 20511
portion of the judgment in favor of the judgment creditor, which 20512
is \$.....; interest on that judgment and, if applicable, 20513
prejudgment interest relative to that judgment at the rate of 20514
.....% per annum payable until that judgment is satisfied in full; 20515
and court costs in the amount of \$..... 20516

You also are ordered to hold safely anything of value that 20517
belongs to the judgment debtor and that has to be paid to the 20518
court, as determined under the "ANSWER OF GARNISHEE" in section 20519
(B) of this form, but that is of such a nature that it cannot be 20520
so delivered, until further order of the court. 20521

Witness my hand and the seal of this court this 20522
day of, 20523

..... 20524

Judge 20525

SECTION B. ANSWER OF GARNISHEE 20526

Now comes	the garnishee, who says:	20527	
1. That the garnishee has money, property, or credits, other		20528	
than personal earnings, of the judgment debtor under the		20529	
garnishee's control and in the garnishee's possession.		20530	
.....	20531	
yes	no	if yes, amount	20532
2. That property is described as:		20533	
3. If the answer to line 1 is "yes" and the amount is less		20534	
than the probable amount now due on the judgment, as indicated in		20535	
section (A) of this form, sign and return this form and pay the		20536	
amount of line 1 to the clerk of this court.		20537	
4. If the answer to line 1 is "yes" and the amount is greater		20538	
than that probable amount now due on the judgment, as indicated in		20539	
section (A) of this form, sign and return this form and pay that		20540	
probable amount now due to the clerk of this court.		20541	
5. If the answer to line 1 is "yes" but the money, property,		20542	
or credits are of such a nature that they cannot be delivered to		20543	
the clerk of the court, indicate that by placing an "X" in this		20544	
space: Do not dispose of that money, property, or credits		20545	
or give them to anyone else until further order of the court.		20546	
6. If the answer to line 1 is "no," sign and return this form		20547	
to the clerk of this court.		20548	
I certify that the statements above are true.		20549	
.....		20550	
(Print Name of Garnishee)		20551	
.....		20552	
(Print Name and Title of		20553	
Person Who Completed Form)		20554	
Signed.....		20555	
(Signature of Person Completing Form)		20556	

Dated this day of," 20557

Section A of the form described in this division shall be 20558
completed before service. Section B of the form shall be completed 20559
by the garnishee, and the garnishee shall file one completed and 20560
signed copy of the form with the clerk of the court as the 20561
garnishee's answer. The garnishee may keep one completed and 20562
signed copy of the form and shall deliver the other completed and 20563
signed copy of the form to the judgment debtor. 20564

If several affidavits seeking orders of garnishment of 20565
property, other than personal earnings, are filed against the same 20566
judgment debtor in accordance with section 2716.11 of the Revised 20567
Code, the court involved shall issue the requested orders in the 20568
same order in which the clerk received the associated affidavits. 20569

(C)(1) At the time of the filing of a proceeding in 20570
garnishment of property, other than personal earnings, under 20571
section 2716.11 of the Revised Code, the judgment creditor also 20572
shall file with the clerk of the court a praecipe instructing the 20573
clerk to issue to the judgment debtor a notice to the judgment 20574
debtor form and a request for hearing form. Upon receipt of the 20575
praecipe and the scheduling of a hearing relative to an action in 20576
garnishment of property, other than personal earnings, under 20577
division (A) of this section, the clerk of the court immediately 20578
shall serve upon the judgment debtor, in accordance with division 20579
(D) of this section, two copies of the notice to the judgment 20580
debtor form and of the request for hearing form. The copies of the 20581
notice to the judgment debtor form and of the request for hearing 20582
form shall not be served later than seven days prior to the date 20583
on which the hearing is scheduled. 20584

(a) The notice to the judgment debtor that must be served 20585
upon the judgment debtor shall be in substantially the following 20586
form: 20587

"(Name and Address of the Court)	20588
(Case Caption) Case No.	20589
NOTICE TO THE JUDGMENT DEBTOR	20590
You are hereby notified that this court has issued an order	20591
in the above case in favor of (name and address of judgment	20592
creditor), the judgment creditor in this proceeding, directing	20593
that some of your money, property, or credits, other than personal	20594
earnings, now in the possession of (name and address of	20595
garnishee), the garnishee in this proceeding, be used to satisfy	20596
your debt to the judgment creditor. This order was issued on the	20597
basis of the judgment creditor's judgment against you that was	20598
obtained in (name of court) in (case number) on (date). Upon your	20599
receipt of this notice, you are prohibited from removing or	20600
attempting to remove the money, property, or credits until	20601
expressly permitted by the court. Any violation of this	20602
prohibition subjects you to punishment for contempt of court.	20603
The law of Ohio and the United States provides that certain	20604
benefit payments cannot be taken from you to pay a debt. Typical	20605
among the benefits that cannot be attached or executed upon by a	20606
creditor are the following:	20607
(1) Workers' compensation benefits;	20608
(2) Unemployment compensation payments;	20609
(3) Cash assistance payments under the Ohio works first	20610
program;	20611
(4) Benefits and services under the prevention, retention,	20612
and contingency program;	20613
(5) Disability <u>financial</u> assistance administered by the Ohio	20614
department of job and family services;	20615
(6) Social security benefits;	20616
(7) Supplemental security income (S.S.I.);	20617

(8) Veteran's benefits; 20618

(9) Black lung benefits; 20619

(10) Certain pensions. 20620

There may be other benefits not included in the above list 20621
that apply in your case. 20622

If you dispute the judgment creditor's right to garnish your 20623
property and believe that the judgment creditor should not be 20624
given your money, property, or credits, other than personal 20625
earnings, now in the possession of the garnishee because they are 20626
exempt or if you feel that this order is improper for any other 20627
reason, you may request a hearing before this court by disputing 20628
the claim in the request for hearing form, appearing below, or in 20629
a substantially similar form, and delivering the request for 20630
hearing to this court at the above address, at the office of the 20631
clerk of this court no later than the end of the fifth business 20632
day after you receive this notice. You may state your reasons for 20633
disputing the judgment creditor's right to garnish your property 20634
in the space provided on the form; however, you are not required 20635
to do so. If you do state your reasons for disputing the judgment 20636
creditor's right, you are not prohibited from stating any other 20637
reason at the hearing. If you do not state your reasons, it will 20638
not be held against you by the court, and you can state your 20639
reasons at the hearing. NO OBJECTIONS TO THE JUDGMENT ITSELF WILL 20640
BE HEARD OR CONSIDERED AT THE HEARING. If you request a hearing, 20641
the hearing will be limited to a consideration of the amount of 20642
your money, property, or credits, other than personal earnings, in 20643
the possession or control of the garnishee, if any, that can be 20644
used to satisfy all or part of the judgment you owe to the 20645
judgment creditor. 20646

If you request a hearing by delivering your request for 20647
hearing no later than the end of the fifth business day after you 20648

receive this notice, it will be conducted in courtroom 20649
....., (address of court), at m. on, 20650
..... You may request the court to conduct the hearing before 20651
this date by indicating your request in the space provided on the 20652
form; the court then will send you notice of any change in the 20653
date, time, or place of the hearing. If you do not request a 20654
hearing by delivering your request for a hearing no later than the 20655
end of the fifth business day after you receive this notice, some 20656
of your money, property, or credits, other than personal earnings, 20657
will be paid to the judgment creditor. 20658

If you have any questions concerning this matter, you may 20659
contact the office of the clerk of this court. If you want legal 20660
representation, you should contact your lawyer immediately. If you 20661
need the name of a lawyer, contact the local bar association. 20662

..... 20663
Clerk of the Court 20664
..... 20665
Date" 20666

(b) The request for hearing form that must be served upon the 20667
judgment debtor shall have attached to it a postage-paid, 20668
self-addressed envelope or shall be on a postage-paid 20669
self-addressed postcard, and shall be in substantially the 20670
following form: 20671

"(Name and Address of Court) 20672

Case Number Date 20673

REQUEST FOR HEARING 20674

I dispute the judgment creditor's right to garnish my money, 20675
property, or credits, other than personal earnings, in the above 20676
case and request that a hearing in this matter be held 20677

..... 20678

(Insert "on" or "earlier than") 20679

the date and time set forth in the document entitled "NOTICE TO THE JUDGMENT DEBTOR" that I received with this request form.

I dispute the judgment creditor's right to garnish my property for the following reasons:

.....

(Optional)

.....

.....

I UNDERSTAND THAT NO OBJECTIONS TO THE JUDGMENT ITSELF WILL BE HEARD OR CONSIDERED AT THE HEARING.

.....

(Name of Judgment Debtor)

.....

(Signature)

.....

(Date)

WARNING: IF YOU DO NOT DELIVER THIS REQUEST FOR HEARING OR A REQUEST IN A SUBSTANTIALLY SIMILAR FORM TO THE OFFICE OF THE CLERK OF THIS COURT WITHIN FIVE (5) BUSINESS DAYS OF YOUR RECEIPT OF IT, YOU WAIVE YOUR RIGHT TO A HEARING AND SOME OF YOUR MONEY, PROPERTY, OR CREDITS, OTHER THAN PERSONAL EARNINGS, NOW IN THE POSSESSION OF (GARNISHEE'S NAME) WILL BE PAID TO (JUDGMENT CREDITOR'S NAME) TO SATISFY SOME OF YOUR DEBT TO (JUDGMENT CREDITOR'S NAME)."

(2) The judgment debtor may receive a hearing in accordance with this division by delivering a written request for hearing to the court within five business days after receipt of the notice provided pursuant to division (C)(1) of this section. The request may set forth the judgment debtor's reasons for disputing the judgment creditor's right to garnish the money, property, or

credits, other than personal earnings; however, neither the 20710
judgment debtor's inclusion of nor failure to include those 20711
reasons upon the request constitutes a waiver of any defense of 20712
the judgment debtor or affects the judgment debtor's right to 20713
produce evidence at the hearing. If the request is made by the 20714
judgment debtor within the prescribed time, the hearing shall be 20715
limited to a consideration of the amount of money, property, or 20716
credits, other than personal earnings, of the judgment debtor in 20717
the hands of the garnishee, if any, that can be used to satisfy 20718
all or part of the debt owed by the judgment debtor to the 20719
judgment creditor. If a request for a hearing is not received by 20720
the court within the prescribed time, the hearing scheduled 20721
pursuant to division (A) of this section shall be canceled unless 20722
the court grants the judgment debtor a continuance in accordance 20723
with division (C)(3) of this section. 20724

(3) If the judgment debtor does not request a hearing in the 20725
action within the prescribed time pursuant to division (C)(2) of 20726
this section, the court nevertheless may grant a continuance of 20727
the scheduled hearing if the judgment debtor, prior to the time at 20728
which the hearing was scheduled, as indicated on the notice to the 20729
judgment debtor required by division (C)(1) of this section, 20730
establishes a reasonable justification for failure to request the 20731
hearing within the prescribed time. If the court grants a 20732
continuance of the hearing, it shall cause the matter to be set 20733
for hearing as soon as practicable thereafter. The continued 20734
hearing shall be conducted in accordance with division (C)(2) of 20735
this section. 20736

(4) The court may conduct the hearing on the matter prior to 20737
the time at which the hearing was scheduled, as indicated on the 20738
notice to the judgment debtor required by division (C)(1) of this 20739
section, upon the request of the judgment debtor. The parties 20740
shall be sent notice, by the clerk of the court, by regular mail, 20741

of any change in the date, time, or place of the hearing. 20742

(5) If the scheduled hearing is canceled and no continuance 20743
is granted, the court shall issue an order to the garnishee to pay 20744
all or some of the money, property, or credits, other than 20745
personal earnings, of the judgment debtor in the possession of the 20746
garnishee at the time of service of the notice and order into 20747
court if they have not already been paid to the court. This order 20748
shall be based on the answer of the garnishee filed pursuant to 20749
this section. If the scheduled hearing is conducted or if it is 20750
continued and conducted, the court shall determine at the hearing 20751
the amount of the money, property, or credits, other than personal 20752
earnings, of the judgment debtor in the possession of the 20753
garnishee at the time of service of the notice and order, if any, 20754
that can be used to satisfy all or part of the debt owed by the 20755
judgment debtor to the judgment creditor, and issue an order, 20756
accordingly, to the garnishee to pay that amount into court if it 20757
has not already been paid to the court. 20758

(D) The notice to the judgment debtor form and the request 20759
for hearing form described in division (C) of this section shall 20760
be sent by the clerk by ordinary or regular mail service unless 20761
the judgment creditor requests that service be made in accordance 20762
with the Rules of Civil Procedure, in which case the forms shall 20763
be served in accordance with the Rules of Civil Procedure. Any 20764
court of common pleas that issues an order of garnishment of 20765
property, other than personal earnings, under this section has 20766
jurisdiction to serve process pursuant to this section upon a 20767
garnishee who does not reside within the jurisdiction of the 20768
court. Any county court or municipal court that issues an order of 20769
garnishment of property, other than personal earnings, under this 20770
section has jurisdiction to serve process pursuant to this section 20771
upon a garnishee who does not reside within the jurisdiction of 20772
the court. 20773

Sec. 2743.02. (A)(1) The state hereby waives its immunity 20774
from liability, except as provided for the office of the state 20775
fire marshal in division (G)(1) of section 9.60 and division (B) 20776
of section 3737.221 of the Revised Code and subject to division 20777
(H) of this section, and consents to be sued, and have its 20778
liability determined, in the court of claims created in this 20779
chapter in accordance with the same rules of law applicable to 20780
suits between private parties, except that the determination of 20781
liability is subject to the limitations set forth in this chapter 20782
and, in the case of state universities or colleges, in section 20783
3345.40 of the Revised Code, and except as provided in division 20784
(A)(2) of this section. To the extent that the state has 20785
previously consented to be sued, this chapter has no 20786
applicability. 20787

Except in the case of a civil action filed by the state, 20788
filing a civil action in the court of claims results in a complete 20789
waiver of any cause of action, based on the same act or omission, 20790
which the filing party has against any officer or employee, as 20791
defined in section 109.36 of the Revised Code. The waiver shall be 20792
void if the court determines that the act or omission was 20793
manifestly outside the scope of the officer's or employee's office 20794
or employment or that the officer or employee acted with malicious 20795
purpose, in bad faith, or in a wanton or reckless manner. 20796

(2) If a claimant proves in the court of claims that an 20797
officer or employee, as defined in section 109.36 of the Revised 20798
Code, would have personal liability for the officer's or 20799
employee's acts or omissions but for the fact that the officer or 20800
employee has personal immunity under section 9.86 of the Revised 20801
Code, the state shall be held liable in the court of claims in any 20802
action that is timely filed pursuant to section 2743.16 of the 20803
Revised Code and that is based upon the acts or omissions. 20804

(B) The state hereby waives the immunity from liability of 20805
all hospitals owned or operated by one or more political 20806
subdivisions and consents for them to be sued, and to have their 20807
liability determined, in the court of common pleas, in accordance 20808
with the same rules of law applicable to suits between private 20809
parties, subject to the limitations set forth in this chapter. 20810
This division is also applicable to hospitals owned or operated by 20811
political subdivisions which have been determined by the supreme 20812
court to be subject to suit prior to July 28, 1975. 20813

(C) Any hospital, as defined in section 2305.113 of the 20814
Revised Code, may purchase liability insurance covering its 20815
operations and activities and its agents, employees, nurses, 20816
interns, residents, staff, and members of the governing board and 20817
committees, and, whether or not such insurance is purchased, may, 20818
to such extent as its governing board considers appropriate, 20819
indemnify or agree to indemnify and hold harmless any such person 20820
against expense, including attorney's fees, damage, loss, or other 20821
liability arising out of, or claimed to have arisen out of, the 20822
death, disease, or injury of any person as a result of the 20823
negligence, malpractice, or other action or inaction of the 20824
indemnified person while acting within the scope of the 20825
indemnified person's duties or engaged in activities at the 20826
request or direction, or for the benefit, of the hospital. Any 20827
hospital electing to indemnify such persons, or to agree to so 20828
indemnify, shall reserve such funds as are necessary, in the 20829
exercise of sound and prudent actuarial judgment, to cover the 20830
potential expense, fees, damage, loss, or other liability. The 20831
superintendent of insurance may recommend, or, if such hospital 20832
requests the superintendent to do so, the superintendent shall 20833
recommend, a specific amount for any period that, in the 20834
superintendent's opinion, represents such a judgment. This 20835
authority is in addition to any authorization otherwise provided 20836

or permitted by law. 20837

(D) Recoveries against the state shall be reduced by the 20838
aggregate of insurance proceeds, disability award, or other 20839
collateral recovery received by the claimant. This division does 20840
not apply to civil actions in the court of claims against a state 20841
university or college under the circumstances described in section 20842
3345.40 of the Revised Code. The collateral benefits provisions of 20843
division (B)(2) of that section apply under those circumstances. 20844

(E) The only defendant in original actions in the court of 20845
claims is the state. The state may file a third-party complaint or 20846
counterclaim in any civil action, except a civil action for two 20847
thousand five hundred dollars or less, that is filed in the court 20848
of claims. 20849

(F) A civil action against an officer or employee, as defined 20850
in section 109.36 of the Revised Code, that alleges that the 20851
officer's or employee's conduct was manifestly outside the scope 20852
of the officer's or employee's employment or official 20853
responsibilities, or that the officer or employee acted with 20854
malicious purpose, in bad faith, or in a wanton or reckless manner 20855
shall first be filed against the state in the court of claims, 20856
which has exclusive, original jurisdiction to determine, 20857
initially, whether the officer or employee is entitled to personal 20858
immunity under section 9.86 of the Revised Code and whether the 20859
courts of common pleas have jurisdiction over the civil action. 20860

The filing of a claim against an officer or employee under 20861
this division tolls the running of the applicable statute of 20862
limitations until the court of claims determines whether the 20863
officer or employee is entitled to personal immunity under section 20864
9.86 of the Revised Code. 20865

(G) Whenever a claim lies against an officer or employee who 20866
is a member of the Ohio national guard, and the officer or 20867

employee was, at the time of the act or omission complained of, 20868
subject to the "Federal Tort Claims Act," 60 Stat. 842 (1946), 28 20869
U.S.C. 2671, et seq., then the Federal Tort Claims Act is the 20870
exclusive remedy of the claimant and the state has no liability 20871
under this section. 20872

(H) If an inmate of a state correctional institution has a 20873
claim against the state for the loss of or damage to property and 20874
the amount claimed does not exceed three hundred dollars, before 20875
commencing an action against the state in the court of claims, the 20876
inmate shall file a claim for the loss or damage under the rules 20877
adopted by the director of rehabilitation and correction pursuant 20878
to this division. The inmate shall file the claim within the time 20879
allowed for commencement of a civil action under section 2743.16 20880
of the Revised Code. If the state admits or compromises the claim, 20881
the director shall make payment from a fund designated by the 20882
director for that purpose. If the state denies the claim or does 20883
not compromise the claim at least sixty days prior to expiration 20884
of the time allowed for commencement of a civil action based upon 20885
the loss or damage under section 2743.16 of the Revised Code, the 20886
inmate may commence an action in the court of claims under this 20887
chapter to recover damages for the loss or damage. 20888

The director of rehabilitation and correction shall adopt 20889
rules pursuant to Chapter 119. of the Revised Code to implement 20890
this division. 20891

Sec. 2743.191. (A)(1) There is hereby created in the state 20892
treasury the reparations fund, which shall be used only for the 20893
following purposes: 20894

(a) The payment of awards of reparations that are granted by 20895
the attorney general; 20896

(b) The compensation of any personnel needed by the attorney 20897
general to administer sections 2743.51 to 2743.72 of the Revised 20898

Code;	20899
(c) The compensation of witnesses as provided in division	20900
(D) <u>(J)</u> of section 2743.65 of the Revised Code;	20901
(d) Other administrative costs of hearing and determining	20902
claims for an award of reparations by the attorney general;	20903
(e) The costs of administering sections 2907.28 and 2969.01	20904
to 2969.06 of the Revised Code;	20905
(f) The costs of investigation and decision-making as	20906
certified by the attorney general;	20907
(g) The provision of state financial assistance to victim	20908
assistance programs in accordance with sections 109.91 and 109.92	20909
of the Revised Code;	20910
(h) The costs of paying the expenses of sex offense-related	20911
examinations and antibiotics pursuant to section 2907.28 of the	20912
Revised Code;	20913
(i) The cost of printing and distributing the pamphlet	20914
prepared by the attorney general pursuant to section 109.42 of the	20915
Revised Code;	20916
(j) Subject to division (D) of section 2743.71 of the Revised	20917
Code, the costs associated with the printing and providing of	20918
information cards or other printed materials to law enforcement	20919
agencies and prosecuting authorities and with publicizing the	20920
availability of awards of reparations pursuant to section 2743.71	20921
of the Revised Code;	20922
(k) The payment of costs of administering a DNA specimen	20923
collection procedure pursuant to section 2152.74 of the Revised	20924
Code in relation to any act identified in division (E)(1) to (5)	20925
of that section and pursuant to section 2901.07 of the Revised	20926
Code in relation to any act identified in division (E)(1) to (5)	20927
of that section, of performing DNA analysis of those DNA	20928

specimens, and of entering the resulting DNA records regarding 20929
those analyses into the DNA database pursuant to section 109.573 20930
of the Revised Code. 20931

(2) All costs paid pursuant to section 2743.70 of the Revised 20932
Code, the portions of license reinstatement fees mandated by 20933
division (L)(2)(b) of section 4511.191 of the Revised Code to be 20934
credited to the fund, the portions of the proceeds of the sale of 20935
a forfeited vehicle specified in division (D)(2) of section 20936
4503.234 of the Revised Code, payments collected by the department 20937
of rehabilitation and correction from prisoners who voluntarily 20938
participate in an approved work and training program pursuant to 20939
division (C)(8)(b)(ii) of section 5145.16 of the Revised Code, and 20940
all moneys collected by the state pursuant to its right of 20941
subrogation provided in section 2743.72 of the Revised Code shall 20942
be deposited in the fund. 20943

(B) In making an award of reparations, the attorney general 20944
shall render the award against the state. The award shall be 20945
accomplished only through the following procedure, and the 20946
following procedure may be enforced by writ of mandamus directed 20947
to the appropriate official: 20948

(1) The attorney general shall provide for payment of the 20949
claimant or providers in the amount of the award only if the 20950
amount of the award is fifty dollars or more. 20951

(2) The expense shall be charged against all available 20952
unencumbered moneys in the fund. 20953

(3) If sufficient unencumbered moneys do not exist in the 20954
fund, the attorney general shall make application for payment of 20955
the award out of the emergency purposes account or any other 20956
appropriation for emergencies or contingencies, and payment out of 20957
this account or other appropriation shall be authorized if there 20958
are sufficient moneys greater than the sum total of then pending 20959

emergency purposes account requests or requests for releases from 20960
the other appropriations. 20961

(4) If sufficient moneys do not exist in the account or any 20962
other appropriation for emergencies or contingencies to pay the 20963
award, the attorney general shall request the general assembly to 20964
make an appropriation sufficient to pay the award, and no payment 20965
shall be made until the appropriation has been made. The attorney 20966
general shall make this appropriation request during the current 20967
biennium and during each succeeding biennium until a sufficient 20968
appropriation is made. If, prior to the time that an appropriation 20969
is made by the general assembly pursuant to this division, the 20970
fund has sufficient unencumbered funds to pay the award or part of 20971
the award, the available funds shall be used to pay the award or 20972
part of the award, and the appropriation request shall be amended 20973
to request only sufficient funds to pay that part of the award 20974
that is unpaid. 20975

(C) The attorney general shall not make payment on a decision 20976
or order granting an award until all appeals have been determined 20977
and all rights to appeal exhausted, except as otherwise provided 20978
in this section. If any party to a claim for an award of 20979
reparations appeals from only a portion of an award, and a 20980
remaining portion provides for the payment of money by the state, 20981
that part of the award calling for the payment of money by the 20982
state and not a subject of the appeal shall be processed for 20983
payment as described in this section. 20984

(D) The attorney general shall prepare itemized bills for the 20985
costs of printing and distributing the pamphlet the attorney 20986
general prepares pursuant to section 109.42 of the Revised Code. 20987
The itemized bills shall set forth the name and address of the 20988
persons owed the amounts set forth in them. 20989

(E) As used in this section, "DNA analysis" and "DNA 20990
specimen" have the same meanings as in section 109.573 of the 20991

Revised Code.	20992
Sec. 2743.51. As used in sections 2743.51 to 2743.72 of the	20993
Revised Code:	20994
(A) "Claimant" means both of the following categories of	20995
persons:	20996
(1) Any of the following persons who claim an award of	20997
reparations under sections 2743.51 to 2743.72 of the Revised Code:	20998
(a) A victim who was one of the following at the time of the	20999
criminally injurious conduct:	21000
(i) A resident of the United States;	21001
(ii) A resident of a foreign country the laws of which permit	21002
residents of this state to recover compensation as victims of	21003
offenses committed in that country.	21004
(b) A dependent of a deceased victim who is described in	21005
division (A)(1)(a) of this section;	21006
(c) A third person, other than a collateral source, who	21007
legally assumes or voluntarily pays the obligations of a victim,	21008
or of a dependent of a victim, who is described in division	21009
(A)(1)(a) of this section, which obligations are incurred as a	21010
result of the criminally injurious conduct that is the subject of	21011
the claim and may include, but are not limited to, medical or	21012
burial expenses;	21013
(d) A person who is authorized to act on behalf of any person	21014
who is described in division (A)(1)(a), (b), or (c) of this	21015
section;	21016
<u>(e) The estate of a deceased victim who is described in</u>	21017
<u>division (A)(1)(a) of this section.</u>	21018
(2) Any of the following persons who claim an award of	21019
reparations under sections 2743.51 to 2743.72 of the Revised Code:	21020

(a) A victim who had a permanent place of residence within this state at the time of the criminally injurious conduct and who, at the time of the criminally injurious conduct, complied with any one of the following:	21021 21022 21023 21024
(i) Had a permanent place of employment in this state;	21025
(ii) Was a member of the regular armed forces of the United States or of the United States coast guard or was a full-time member of the Ohio organized militia or of the United States army reserve, naval reserve, or air force reserve;	21026 21027 21028 21029
(iii) Was retired and receiving social security or any other retirement income;	21030 21031
(iv) Was sixty years of age or older;	21032
(v) Was temporarily in another state for the purpose of receiving medical treatment;	21033 21034
(vi) Was temporarily in another state for the purpose of performing employment-related duties required by an employer located within this state as an express condition of employment or employee benefits;	21035 21036 21037 21038
(vii) Was temporarily in another state for the purpose of receiving occupational, vocational, or other job-related training or instruction required by an employer located within this state as an express condition of employment or employee benefits;	21039 21040 21041 21042
(viii) Was a full-time student at an academic institution, college, or university located in another state;	21043 21044
(ix) Had not departed the geographical boundaries of this state for a period exceeding thirty days or with the intention of becoming a citizen of another state or establishing a permanent place of residence in another state.	21045 21046 21047 21048
(b) A dependent of a deceased victim who is described in division (A)(2)(a) of this section;	21049 21050

(c) A third person, other than a collateral source, who 21051
legally assumes or voluntarily pays the obligations of a victim, 21052
or of a dependent of a victim, who is described in division 21053
(A)(2)(a) of this section, which obligations are incurred as a 21054
result of the criminally injurious conduct that is the subject of 21055
the claim and may include, but are not limited to, medical or 21056
burial expenses; 21057

(d) A person who is authorized to act on behalf of any person 21058
who is described in division (A)(2)(a), (b), or (c) of this 21059
section; 21060

(e) The estate of a deceased victim who is described in 21061
division (A)(2)(a) of this section. 21062

(B) "Collateral source" means a source of benefits or 21063
advantages for economic loss otherwise reparable that the victim 21064
or claimant has received, or that is readily available to the 21065
victim or claimant, from any of the following sources: 21066

(1) The offender; 21067

(2) The government of the United States or any of its 21068
agencies, a state or any of its political subdivisions, or an 21069
instrumentality of two or more states, unless the law providing 21070
for the benefits or advantages makes them excess or secondary to 21071
benefits under sections 2743.51 to 2743.72 of the Revised Code; 21072

(3) Social security, medicare, and medicaid; 21073

(4) State-required, temporary, nonoccupational disability 21074
insurance; 21075

(5) Workers' compensation; 21076

(6) Wage continuation programs of any employer; 21077

(7) Proceeds of a contract of insurance payable to the victim 21078
for loss that the victim sustained because of the criminally 21079
injurious conduct; 21080

(8) A contract providing prepaid hospital and other health care services, or benefits for disability; 21081
21082

(9) That portion of the proceeds of all contracts of insurance payable to the claimant on account of the death of the victim that exceeds fifty thousand dollars; 21083
21084
21085

(10) Any compensation recovered or recoverable under the laws of another state, district, territory, or foreign country because the victim was the victim of an offense committed in that state, district, territory, or country. 21086
21087
21088
21089

"Collateral source" does not include any money, or the monetary value of any property, that is subject to sections 2969.01 to 2969.06 of the Revised Code or that is received as a benefit from the Ohio public safety officers death benefit fund created by section 742.62 of the Revised Code. 21090
21091
21092
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(C) "Criminally injurious conduct" means one of the following: 21095
21096

(1) For the purposes of any person described in division (A)(1) of this section, any conduct that occurs or is attempted in this state; poses a substantial threat of personal injury or death; and is punishable by fine, imprisonment, or death, or would be so punishable but for the fact that the person engaging in the conduct lacked capacity to commit the crime under the laws of this state. Criminally injurious conduct does not include conduct arising out of the ownership, maintenance, or use of a motor vehicle, except when any of the following applies: 21097
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(a) The person engaging in the conduct intended to cause personal injury or death; 21106
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(b) The person engaging in the conduct was using the vehicle to flee immediately after committing a felony or an act that would constitute a felony but for the fact that the person engaging in 21108
21109
21110

the conduct lacked the capacity to commit the felony under the 21111
laws of this state; 21112

(c) The person engaging in the conduct was using the vehicle 21113
in a manner that constitutes an OMVI violation; 21114

(d) The conduct occurred on or after July 25, 1990, and the 21115
person engaging in the conduct was using the vehicle in a manner 21116
that constitutes a violation of section 2903.08 of the Revised 21117
Code. 21118

(2) For the purposes of any person described in division 21119
(A)(2) of this section, any conduct that occurs or is attempted in 21120
another state, district, territory, or foreign country; poses a 21121
substantial threat of personal injury or death; and is punishable 21122
by fine, imprisonment, or death, or would be so punishable but for 21123
the fact that the person engaging in the conduct lacked capacity 21124
to commit the crime under the laws of the state, district, 21125
territory, or foreign country in which the conduct occurred or was 21126
attempted. Criminally injurious conduct does not include conduct 21127
arising out of the ownership, maintenance, or use of a motor 21128
vehicle, except when any of the following applies: 21129

(a) The person engaging in the conduct intended to cause 21130
personal injury or death; 21131

(b) The person engaging in the conduct was using the vehicle 21132
to flee immediately after committing a felony or an act that would 21133
constitute a felony but for the fact that the person engaging in 21134
the conduct lacked the capacity to commit the felony under the 21135
laws of the state, district, territory, or foreign country in 21136
which the conduct occurred or was attempted; 21137

(c) The person engaging in the conduct was using the vehicle 21138
in a manner that constitutes an OMVI violation; 21139

(d) The conduct occurred on or after July 25, 1990, the 21140
person engaging in the conduct was using the vehicle in a manner 21141

that constitutes a violation of any law of the state, district, 21142
territory, or foreign country in which the conduct occurred, and 21143
that law is substantially similar to a violation of section 21144
2903.08 of the Revised Code. 21145

(3) For the purposes of any person described in division 21146
(A)(1) or (2) of this section, terrorism that occurs within or 21147
outside the territorial jurisdiction of the United States. 21148

(D) "Dependent" means an individual wholly or partially 21149
dependent upon the victim for care and support, and includes a 21150
child of the victim born after the victim's death. 21151

(E) "Economic loss" means economic detriment consisting only 21152
of allowable expense, work loss, funeral expense, unemployment 21153
benefits loss, replacement services loss, cost of crime scene 21154
cleanup, and cost of evidence replacement. If criminally injurious 21155
conduct causes death, economic loss includes a dependent's 21156
economic loss and a dependent's replacement services loss. 21157
Noneconomic detriment is not economic loss; however, economic loss 21158
may be caused by pain and suffering or physical impairment. 21159

(F)(1) "Allowable expense" means reasonable charges incurred 21160
for reasonably needed products, services, and accommodations, 21161
including those for medical care, rehabilitation, rehabilitative 21162
occupational training, and other remedial treatment and care and 21163
including replacement costs for eyeglasses and other corrective 21164
lenses. It does not include that portion of a charge for a room in 21165
a hospital, clinic, convalescent home, nursing home, or any other 21166
institution engaged in providing nursing care and related services 21167
in excess of a reasonable and customary charge for semiprivate 21168
accommodations, unless accommodations other than semiprivate 21169
accommodations are medically required. 21170

(2) An immediate family member of a victim of criminally 21171
injurious conduct that consists of a homicide, a sexual assault, 21172

domestic violence, or a severe and permanent incapacitating injury 21173
resulting in paraplegia or a similar life-altering condition, who 21174
requires psychiatric care or counseling as a result of the 21175
criminally injurious conduct, may be reimbursed for that care or 21176
counseling as an allowable expense through the victim's 21177
application. The cumulative allowable expense for care or 21178
counseling of that nature shall not exceed two thousand five 21179
hundred dollars for each immediate family member of a victim of 21180
that type ~~shall not exceed two~~ and seven thousand five hundred 21181
dollars in the aggregate for all immediate family members of a 21182
victim of that type. 21183

(3) A family member of a victim who died as a proximate 21184
result of criminally injurious conduct may be reimbursed as an 21185
allowable expense through the victim's application for wages lost 21186
and travel expenses incurred in order to attend criminal justice 21187
proceedings arising from the criminally injurious conduct. The 21188
cumulative allowable expense for wages lost and travel expenses 21189
incurred by a family member to attend criminal justice proceedings 21190
shall not exceed five hundred dollars for each family member of 21191
the victim and two thousand dollars in the aggregate for all 21192
family members of the victim. 21193

(4) "Allowable expense" includes attorney's fees not 21194
exceeding two thousand five hundred dollars, at a rate not 21195
exceeding one hundred fifty dollars per hour, incurred to 21196
successfully obtain a restraining order, custody order, or other 21197
order to physically separate a victim from an offender, if the 21198
attorney has not received payment under section 2743.65 of the 21199
Revised Code for assisting a claimant with an application for an 21200
award of reparations under sections 2743.51 to 2743.72 of the 21201
Revised Code. 21202

(G) "Work loss" means loss of income from work that the 21203
injured person would have performed if the person had not been 21204

injured and expenses reasonably incurred by the person to obtain 21205
services in lieu of those the person would have performed for 21206
income, reduced by any income from substitute work actually 21207
performed by the person, or by income the person would have earned 21208
in available appropriate substitute work that the person was 21209
capable of performing but unreasonably failed to undertake. 21210

(H) "Replacement services loss" means expenses reasonably 21211
incurred in obtaining ordinary and necessary services in lieu of 21212
those the injured person would have performed, not for income, but 21213
for the benefit of the person's self or family, if the person had 21214
not been injured. 21215

(I) "Dependent's economic loss" means loss after a victim's 21216
death of contributions of things of economic value to the victim's 21217
dependents, not including services they would have received from 21218
the victim if the victim had not suffered the fatal injury, less 21219
expenses of the dependents avoided by reason of the victim's 21220
death. If a minor child of a victim is adopted after the victim's 21221
death, the minor child continues after the adoption to incur a 21222
dependent's economic loss as a result of the victim's death. If 21223
the surviving spouse of a victim remarries, the surviving spouse 21224
continues after the remarriage to incur a dependent's economic 21225
loss as a result of the victim's death. 21226

(J) "Dependent's replacement services loss" means loss 21227
reasonably incurred by dependents after a victim's death in 21228
obtaining ordinary and necessary services in lieu of those the 21229
victim would have performed for their benefit if the victim had 21230
not suffered the fatal injury, less expenses of the dependents 21231
avoided by reason of the victim's death and not subtracted in 21232
calculating the dependent's economic loss. If a minor child of a 21233
victim is adopted after the victim's death, the minor child 21234
continues after the adoption to incur a dependent's replacement 21235
services loss as a result of the victim's death. If the surviving 21236

spouse of a victim remarries, the surviving spouse continues after 21237
the remarriage to incur a dependent's replacement services loss as 21238
a result of the victim's death. 21239

(K) "Noneconomic detriment" means pain, suffering, 21240
inconvenience, physical impairment, or other nonpecuniary damage. 21241

(L) "Victim" means a person who suffers personal injury or 21242
death as a result of any of the following: 21243

(1) Criminally injurious conduct; 21244

(2) The good faith effort of any person to prevent criminally 21245
injurious conduct; 21246

(3) The good faith effort of any person to apprehend a person 21247
suspected of engaging in criminally injurious conduct. 21248

(M) "Contributory misconduct" means any conduct of the 21249
claimant or of the victim through whom the claimant claims an 21250
award of reparations that is unlawful or intentionally tortious 21251
and that, without regard to the conduct's proximity in time or 21252
space to the criminally injurious conduct, has a causal 21253
relationship to the criminally injurious conduct that is the basis 21254
of the claim. 21255

(N)(1) "Funeral expense" means any reasonable charges that 21256
are not in excess of ~~five~~ seven thousand five hundred dollars per 21257
funeral and that are incurred for expenses directly related to a 21258
victim's funeral, cremation, or burial and any wages lost or 21259
travel expenses incurred by a family member of a victim in order 21260
to attend the victim's funeral, cremation, or burial. 21261

(2) An award for funeral expenses shall be applied first to 21262
expenses directly related to the victim's funeral, cremation, or 21263
burial. An award for wages lost or travel expenses incurred by a 21264
family member of the victim shall not exceed five hundred dollars 21265
for each family member and shall not exceed in the aggregate the 21266

difference between seven thousand five hundred dollars and 21267
expenses that are reimbursed by the program and that are directly 21268
related to the victim's funeral, cremation, or burial. 21269

(O) "Unemployment benefits loss" means a loss of unemployment 21270
benefits pursuant to Chapter 4141. of the Revised Code when the 21271
loss arises solely from the inability of a victim to meet the able 21272
to work, available for suitable work, or the actively seeking 21273
suitable work requirements of division (A)(4)(a) of section 21274
4141.29 of the Revised Code. 21275

(P) "OMVI violation" means any of the following: 21276

(1) A violation of section 4511.19 of the Revised Code, of 21277
any municipal ordinance prohibiting the operation of a vehicle 21278
while under the influence of alcohol, a drug of abuse, or alcohol 21279
and a drug of abuse, or of any municipal ordinance prohibiting the 21280
operation of a vehicle with a prohibited concentration of alcohol 21281
in the blood, breath, or urine; 21282

(2) A violation of division (A)(1) of section 2903.06 of the 21283
Revised Code; 21284

(3) A violation of division (A)(2), (3), or (4) of section 21285
2903.06 of the Revised Code or of a municipal ordinance 21286
substantially similar to any of those divisions, if the offender 21287
was under the influence of alcohol, a drug of abuse, or alcohol 21288
and a drug of abuse, at the time of the commission of the offense; 21289

(4) For purposes of any person described in division (A)(2) 21290
of this section, a violation of any law of the state, district, 21291
territory, or foreign country in which the criminally injurious 21292
conduct occurred, if that law is substantially similar to a 21293
violation described in division (P)(1) or (2) of this section or 21294
if that law is substantially similar to a violation described in 21295
division (P)(3) of this section and the offender was under the 21296
influence of alcohol, a drug of abuse, or alcohol and a drug of 21297

abuse, at the time of the commission of the offense.	21298
(Q) "Pendency of the claim" for an original reparations application or supplemental reparations application means the period of time from the date the criminally injurious conduct upon which the application is based occurred until the date a final decision, order, or judgment concerning that original reparations application or supplemental reparations application is issued.	21299 21300 21301 21302 21303 21304
(R) "Terrorism" means any activity to which all of the following apply:	21305 21306
(1) The activity involves a violent act or an act that is dangerous to human life.	21307 21308
(2) The act described in division (R)(1) of this section is committed within the territorial jurisdiction of the United States and is a violation of the criminal laws of the United States, this state, or any other state or the act described in division (R)(1) of this section is committed outside the territorial jurisdiction of the United States and would be a violation of the criminal laws of the United States, this state, or any other state if committed within the territorial jurisdiction of the United States.	21309 21310 21311 21312 21313 21314 21315 21316
(3) The activity appears to be intended to do any of the following:	21317 21318
(a) Intimidate or coerce a civilian population;	21319
(b) Influence the policy of any government by intimidation or coercion;	21320 21321
(c) Affect the conduct of any government by assassination or kidnapping.	21322 21323
(4) The activity occurs primarily outside the territorial jurisdiction of the United States or transcends the national boundaries of the United States in terms of the means by which the activity is accomplished, the person or persons that the activity	21324 21325 21326 21327

appears intended to intimidate or coerce, or the area or locale in 21328
which the perpetrator or perpetrators of the activity operate or 21329
seek asylum. 21330

(S) "Transcends the national boundaries of the United States" 21331
means occurring outside the territorial jurisdiction of the United 21332
States in addition to occurring within the territorial 21333
jurisdiction of the United States. 21334

(T) "Cost of crime scene cleanup" means reasonable and 21335
necessary costs of cleaning the scene and repairing, for the 21336
purpose of personal security, property damaged at the scene where 21337
the criminally injurious conduct occurred, not to exceed seven 21338
hundred fifty dollars in the aggregate per claim. 21339

(U) "Cost of evidence replacement" means costs for 21340
replacement of property confiscated for evidentiary purposes 21341
related to the criminally injurious conduct, not to exceed seven 21342
hundred fifty dollars in the aggregate per claim. 21343

(V) "Provider" means any person who provides a victim or 21344
claimant with a product, service, or accommodations that are an 21345
allowable expense or a funeral expense. 21346

(W) "Immediate family member" means an individual who resided 21347
in the same permanent household as a victim at the time of the 21348
criminally injurious conduct and who is related to a the victim 21349
~~within the first degree~~ by affinity or consanguinity. 21350

(X) "Family member" means an individual who is related to a 21351
victim by affinity or consanguinity. 21352

Sec. 2743.60. (A) The attorney general, a court of claims 21353
panel of commissioners, or a judge of the court of claims shall 21354
not make or order an award of reparations to any claimant who, if 21355
the victim of the criminally injurious conduct was an adult, did 21356
not file an application for an award of reparations within two 21357

years after the date of the occurrence of the criminally injurious 21358
conduct that caused the injury or death for which the victim is 21359
seeking an award of reparations or who, if the victim of that 21360
criminally injurious conduct was a minor, did not file an 21361
application for an award of reparations within the period provided 21362
by division ~~(C)~~(B)(1) of section 2743.56 of the Revised Code. An 21363
award of reparations shall not be made to a claimant if the 21364
criminally injurious conduct upon which the claimant bases a claim 21365
was not reported to a law enforcement officer or agency within 21366
seventy-two hours after the occurrence of the conduct, unless it 21367
is determined that good cause existed for the failure to report 21368
the conduct within the seventy-two-hour period. 21369

(B)(1) The attorney general, a panel of commissioners, or a 21370
judge of the court of claims shall not make or order an award of 21371
reparations to a claimant if any of the following apply: 21372

(a) The claimant is the offender or an accomplice of the 21373
offender who committed the criminally injurious conduct, or the 21374
award would unjustly benefit the offender or accomplice. 21375

(b) Except as provided in division (B)(2) of this section, 21376
both of the following apply: 21377

(i) The victim was a passenger in a motor vehicle and knew or 21378
reasonably should have known that the driver was under the 21379
influence of alcohol, a drug of abuse, or both. 21380

(ii) The claimant is seeking compensation for injuries 21381
proximately caused by the driver described in division 21382
(B)(1)(b)(i) of this section being under the influence of alcohol, 21383
a drug of abuse, or both. 21384

(c) Both of the following apply: 21385

(i) The victim was under the influence of alcohol, a drug of 21386
abuse, or both and was a passenger in a motor vehicle and, if 21387
sober, should have reasonably known that the driver was under the 21388

influence of alcohol, a drug of abuse, or both. 21389

(ii) The claimant is seeking compensation for injuries 21390
proximately caused by the driver described in division 21391
(B)(1)(b)(i) of this section being under the influence of alcohol, 21392
a drug of abuse, or both. 21393

(2) Division (B)(1)(b) of this section does not apply if on 21394
the date of the occurrence of the criminally injurious conduct, 21395
the victim was under sixteen years of age or was at least sixteen 21396
years of age but less than eighteen years of age and was riding 21397
with a parent, guardian, or care-provider. 21398

(C) The attorney general, a panel of commissioners, or a 21399
judge of the court of claims, upon a finding that the claimant or 21400
victim has not fully cooperated with appropriate law enforcement 21401
agencies, may deny a claim or reconsider and reduce an award of 21402
reparations. 21403

(D) The attorney general, a panel of commissioners, or a 21404
judge of the court of claims shall reduce an award of reparations 21405
or deny a claim for an award of reparations that is otherwise 21406
payable to a claimant to the extent that the economic loss upon 21407
which the claim is based is recouped from other persons, including 21408
collateral sources. If an award is reduced or a claim is denied 21409
because of the expected recoupment of all or part of the economic 21410
loss of the claimant from a collateral source, the amount of the 21411
award or the denial of the claim shall be conditioned upon the 21412
claimant's economic loss being recouped by the collateral source. 21413
If the award or denial is conditioned upon the recoupment of the 21414
claimant's economic loss from a collateral source and it is 21415
determined that the claimant did not unreasonably fail to present 21416
a timely claim to the collateral source and will not receive all 21417
or part of the expected recoupment, the claim may be reopened and 21418
an award may be made in an amount equal to the amount of expected 21419
recoupment that it is determined the claimant will not receive 21420

from the collateral source. 21421

If the claimant recoups all or part of the economic loss upon 21422
which the claim is based from any other person or entity, 21423
including a collateral source, the attorney general may recover 21424
pursuant to section 2743.72 of the Revised Code the part of the 21425
award that represents the economic loss for which the claimant 21426
received the recoupment from the other person or entity. 21427

(E) ~~The~~(1) Except as otherwise provided in division (E)(2) of 21428
this section, the attorney general, a panel of commissioners, or a 21429
judge of the court of claims shall not make an award to a claimant 21430
if any of the following applies: 21431

~~(1)~~(a) The victim was convicted of a felony within ten years 21432
prior to the criminally injurious conduct that gave rise to the 21433
claim or is convicted of a felony during the pendency of the 21434
claim. 21435

~~(2)~~(b) The claimant was convicted of a felony within ten 21436
years prior to the criminally injurious conduct that gave rise to 21437
the claim or is convicted of a felony during the pendency of the 21438
claim. 21439

~~(3)~~(c) It is proved by a preponderance of the evidence that 21440
the victim or the claimant engaged, within ten years prior to the 21441
criminally injurious conduct that gave rise to the claim or during 21442
the pendency of the claim, in an offense of violence, a violation 21443
of section 2925.03 of the Revised Code, or any substantially 21444
similar offense that also would constitute a felony under the laws 21445
of this state, another state, or the United States. 21446

~~(4)~~(d) The claimant was convicted of a violation of section 21447
2919.22 or 2919.25 of the Revised Code, or of any state law or 21448
municipal ordinance substantially similar to either section, 21449
within ten years prior to the criminally injurious conduct that 21450
gave rise to the claim or during the pendency of the claim. 21451

(e) It is proved by a preponderance of the evidence that the victim at the time of the criminally injurious conduct that gave rise to the claim engaged in conduct that was a felony violation of section 2925.11 of the Revised Code or engaged in any substantially similar conduct that would constitute a felony under the laws of this state, another state, or the United States.

(2) The attorney general, a panel of commissioners, or a judge of the court of claims may make an award to a minor dependent of a deceased victim for dependent's economic loss or for counseling pursuant to division (F)(2) of section 2743.51 of the Revised Code if the minor dependent is not ineligible under division (E)(1) of this section due to the minor dependent's criminal history and if the victim was not killed while engaging in illegal conduct that contributed to the criminally injurious conduct that gave rise to the claim. For purposes of this section, the use of illegal drugs by the deceased victim shall not be deemed to have contributed to the criminally injurious conduct that gave rise to the claim.

(F) In determining whether to make an award of reparations pursuant to this section, the attorney general or panel of commissioners shall consider whether there was contributory misconduct by the victim or the claimant. The attorney general, a panel of commissioners, or a judge of the court of claims shall reduce an award of reparations or deny a claim for an award of reparations to the extent it is determined to be reasonable because of the contributory misconduct of the claimant or the victim.

When the attorney general decides whether a claim should be denied because of an allegation of contributory misconduct, the burden of proof on the issue of that alleged contributory misconduct shall be upon the claimant, if either of the following apply:

(1) The victim was convicted of a felony more than ten years 21484
prior to the criminally injurious conduct that is the subject of 21485
the claim or has a record of felony arrests under the laws of this 21486
state, another state, or the United States. 21487

(2) There is good cause to believe that the victim engaged in 21488
an ongoing course of criminal conduct within five years or less of 21489
the criminally injurious conduct that is the subject of the claim. 21490

~~For purposes of this section, if it is proven by a 21491
preponderance of the evidence that the victim engaged in conduct 21492
at the time of the criminally injurious conduct that was a felony 21493
violation of section 2925.11 of the Revised Code, the conduct 21494
shall be presumed to have contributed to the criminally injurious 21495
conduct and shall result in a complete denial of the claim. 21496~~

(G) The attorney general, a panel of commissioners, or a 21497
judge of the court of claims shall not make an award of 21498
reparations to a claimant if the criminally injurious conduct that 21499
caused the injury or death that is the subject of the claim 21500
occurred to a victim who was an adult and while the victim, after 21501
being convicted of or pleading guilty to an offense, was serving a 21502
sentence of imprisonment in any detention facility, as defined in 21503
section 2921.01 of the Revised Code. 21504

(H) If a claimant unreasonably fails to present a claim 21505
timely to a source of benefits or advantages that would have been 21506
a collateral source and that would have reimbursed the claimant 21507
for all or a portion of a particular expense, the attorney 21508
general, a panel of commissioners, or a judge of the court of 21509
claims may reduce an award of reparations or deny a claim for an 21510
award of reparations to the extent that it is reasonable to do so. 21511

(I) Reparations payable to a victim and to all other 21512
claimants sustaining economic loss because of injury to or the 21513
death of that victim shall not exceed fifty thousand dollars in 21514

the aggregate. If the attorney general, a panel of commissioners, 21515
or a judge of the court of claims reduces an award under division 21516
(F) of this section, the maximum aggregate amount of reparations 21517
payable under this division shall be reduced proportionately to 21518
the reduction under division (F) of this section. 21519

Sec. 2743.65. (A) The attorney general shall determine, and 21520
the state shall pay, in accordance with this section attorney's 21521
fees, commensurate with services rendered, to the attorney 21522
representing a claimant under sections 2743.51 to 2743.72 of the 21523
Revised Code. The attorney shall submit on an application form an 21524
itemized fee bill at the rate of sixty dollars per hour upon 21525
receipt of the final decision on the claim. Attorney's fees paid 21526
pursuant to this section are subject to the following maximum 21527
amounts: 21528

(1) A maximum of seven hundred twenty dollars for claims 21529
resolved without the filing of an appeal to the panel of 21530
commissioners; 21531

(2) A maximum of one thousand twenty dollars for claims in 21532
which an appeal to the panel of commissioners is filed plus, at 21533
the request of an attorney whose main office is not in Franklin 21534
county, Delaware county, Licking county, Fairfield county, 21535
Pickaway county, Madison county, or Union county, an amount for 21536
the attorney's travel time to attend the oral hearing before the 21537
panel of commissioners at the rate of thirty dollars per hour; 21538

(3) A maximum of one thousand three hundred twenty dollars 21539
for claims in which an appeal to a judge of the court of claims is 21540
filed plus, at the request of an attorney whose main office is not 21541
in Franklin county, Delaware county, Licking county, Fairfield 21542
county, Pickaway county, Madison county, or Union county, an 21543
amount for the attorney's travel time to attend the oral hearing 21544
before the judge at the rate of thirty dollars per hour; 21545

- (4) A maximum of seven hundred twenty dollars for a supplemental reparations application; 21546
21547
- (5) A maximum of two hundred dollars if the claim is denied on the basis of a claimant's or victim's conviction of a felony offense prior to the filing of the claim. If the claimant or victim is convicted of a felony offense during the pendency of the claim, the two hundred dollars maximum does not apply. If the attorney had knowledge of the claimant's or victim's felony conviction prior to the filing of the application for the claim, the attorney general may determine that the filing of the claim was frivolous and may deny attorney's fees. 21548
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- (B) The attorney general may determine that an attorney be reimbursed for fees incurred in the creation of a guardianship if the guardianship is required in order for an individual to receive an award of reparations, and those fees shall be reimbursed at a rate of sixty dollars per hour. 21557
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- (C)(1) The attorney general shall forward an application form for attorney's fees to a claimant's attorney before or when the final decision on a claim is rendered. The application form for attorney's fees shall do all of the following: 21562
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- (a) Inform the attorney of the requirements of this section; 21566
- (b) Require a verification statement comporting with the law prohibiting falsification; 21567
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- (c) Require an itemized fee statement; 21569
- (d) Require a verification statement that the claimant was served a copy of the completed application form; 21570
21571
- (e) Include notice that the claimant may oppose the application by notifying the attorney general in writing within ten days. 21572
21573
21574
- (2) The attorney general shall forward a copy of this section 21575

to the attorney with the application form for attorney's fees. The 21576
attorney shall file the application form with the attorney 21577
general. The attorney general's decision with respect to an award 21578
of attorney's fees is final ten days after the attorney general 21579
renders the decision and mails a copy of the decision to the 21580
attorney at the address provided by the attorney. The attorney may 21581
request reconsideration of the decision on grounds that it is 21582
insufficient or calculated incorrectly. The attorney general's 21583
decision on the request for reconsideration is final. 21584

(D) The attorney general shall review all application forms 21585
for attorney's fees that are submitted by a claimant's attorney 21586
and shall issue an order approving the amount of fees to be paid 21587
to the attorney within sixty days after receipt of the application 21588
form. 21589

(E) No attorney's fees shall be paid for the following: 21590

(1) Estate work or representation of a claimant against a 21591
collateral source; 21592

(2) Duplication of investigative work required to be 21593
performed by the attorney general; 21594

(3) Performance of unnecessary criminal investigation of the 21595
offense; 21596

(4) Presenting or appealing an issue that has been repeatedly 21597
ruled upon by the highest appellate authority, unless a unique set 21598
of facts or unique issue of law exists that distinguishes it; 21599

(5) A fee request that is unreasonable, is not commensurate 21600
with services rendered, violates the Ohio code of professional 21601
responsibility, or is based upon services that are determined to 21602
be frivolous. 21603

(F)(1) The attorney general may reduce or deny the payment of 21604
attorney's fees to an attorney who has filed a frivolous claim. 21605

Subject to division (A)(5) of this section, the denial of a claim 21606
on the basis of a felony conviction, felony conduct, or 21607
contributory misconduct does not constitute a frivolous claim. 21608

(2) As used in this section, "frivolous claim" means a claim 21609
in which there is clearly no legal grounds under the existing laws 21610
of this state to support the filing of a claim on behalf of the 21611
claimant or victim. 21612

(G) The attorney general may determine that a lesser number 21613
of hours should have been required in a given case. Additional 21614
reimbursement may be made where the attorney demonstrates to the 21615
attorney general that the nature of the particular claim required 21616
the expenditure of an amount in excess of that allowed. 21617

(H) No attorney shall receive payment under this section for 21618
assisting a claimant with an application for an award of 21619
reparations under sections 2743.51 to 2743.72 of the Revised Code 21620
if that attorney's fees have been allowed as an expense in 21621
accordance with division (F)(4) of section 2743.51 of the Revised 21622
Code. 21623

(I) A contract or other agreement between an attorney and any 21624
person that provides for the payment of attorney's fees or other 21625
payments in excess of the attorney's fees allowed under this 21626
section for representing a claimant under sections 2743.51 to 21627
2743.72 of the Revised Code shall be void and unenforceable. 21628

~~(I)~~(J) Each witness who appears in a hearing on a claim for 21629
an award of reparations shall receive compensation in an amount 21630
equal to that received by witnesses in civil cases as provided in 21631
section 2335.06 of the Revised Code. 21632

Sec. 2915.01. As used in this chapter: 21633

(A) "Bookmaking" means the business of receiving or paying 21634
off bets. 21635

(B) "Bet" means the hazarding of anything of value upon the result of an event, undertaking, or contingency, but does not include a bona fide business risk.

(C) "Scheme of chance" means a slot machine, lottery, numbers game, pool conducted for profit, or other scheme in which a participant gives a valuable consideration for a chance to win a prize, but does not include bingo, a skill-based amusement machine, or a pool not conducted for profit.

(D) "Game of chance" means poker, craps, roulette, or other game in which a player gives anything of value in the hope of gain, the outcome of which is determined largely by chance, but does not include bingo.

(E) "Game of chance conducted for profit" means any game of chance designed to produce income for the person who conducts or operates the game of chance, but does not include bingo.

(F) "Gambling device" means any of the following:

(1) A book, totalizer, or other equipment for recording bets;

(2) A ticket, token, or other device representing a chance, share, or interest in a scheme of chance or evidencing a bet;

(3) A deck of cards, dice, gaming table, roulette wheel, slot machine, or other apparatus designed for use in connection with a game of chance;

(4) Any equipment, device, apparatus, or paraphernalia specially designed for gambling purposes;

(5) Bingo supplies sold or otherwise provided, or used, in violation of this chapter.

(G) "Gambling offense" means any of the following:

(1) A violation of section 2915.02, 2915.03, 2915.04, 2915.05, 2915.07, 2915.08, 2915.081, 2915.082, 2915.09, 2915.091,

2915.092, 2915.10, or 2915.11 of the Revised Code; 21665

(2) A violation of an existing or former municipal ordinance 21666
or law of this or any other state or the United States 21667
substantially equivalent to any section listed in division (G)(1) 21668
of this section or a violation of section 2915.06 of the Revised 21669
Code as it existed prior to July 1, 1996; 21670

(3) An offense under an existing or former municipal 21671
ordinance or law of this or any other state or the United States, 21672
of which gambling is an element; 21673

(4) A conspiracy or attempt to commit, or complicity in 21674
committing, any offense under division (G)(1), (2), or (3) of this 21675
section. 21676

(H) Except as otherwise provided in this chapter, "charitable 21677
organization" means any tax exempt religious, educational, 21678
veteran's, fraternal, sporting, service, nonprofit medical, 21679
volunteer rescue service, volunteer firefighter's, senior 21680
citizen's, historic railroad educational, youth athletic, amateur 21681
athletic, or youth athletic park organization. An organization is 21682
tax exempt if the organization is, and has received from the 21683
internal revenue service a determination letter that currently is 21684
in effect stating that the organization is, exempt from federal 21685
income taxation under subsection 501(a) and described in 21686
subsection 501(c)(3), 501(c)(4), 501(c)(8), 501(c)(10), or 21687
501(c)(19) of the Internal Revenue Code, or if the organization is 21688
a sporting organization that is exempt from federal income 21689
taxation under subsection 501(a) and is described in subsection 21690
501(c)(7) of the Internal Revenue Code. To qualify as a charitable 21691
organization, an organization, except a volunteer rescue service 21692
or volunteer fire fighter's organization, shall have been in 21693
continuous existence as such in this state for a period of two 21694
years immediately preceding either the making of an application 21695
for a bingo license under section 2915.08 of the Revised Code or 21696

the conducting of any ~~scheme of chance or~~ game of chance as 21697
provided in division ~~(C)~~(D) of section 2915.02 of the Revised 21698
Code. A charitable organization that is exempt from federal income 21699
taxation under subsection 501(a) and described in subsection 21700
501(c)(3) of the Internal Revenue Code and that is created by a 21701
veteran's organization ~~or~~, a fraternal organization, or a sporting 21702
organization does not have to have been in continuous existence as 21703
such in this state for a period of two years immediately preceding 21704
either the making of an application for a bingo license under 21705
section 2915.08 of the Revised Code or the conducting of any 21706
~~scheme of chance or~~ game of chance as provided in division (D) of 21707
section 2915.02 of the Revised Code. 21708

(I) "Religious organization" means any church, body of 21709
communicants, or group that is not organized or operated for 21710
profit and that gathers in common membership for regular worship 21711
and religious observances. 21712

(J) "Educational organization" means any organization within 21713
this state that is not organized for profit, the ~~exclusive~~ primary 21714
purpose of which is to educate and develop the capabilities of 21715
individuals through instruction, ~~and that operates or contributes~~ 21716
~~to~~ by means of operating or contributing to the support of a 21717
school, academy, college, or university. 21718

(K) "Veteran's organization" means any individual post or 21719
state headquarters of a national veteran's association or an 21720
auxiliary unit of any individual post of a national veteran's 21721
association, which post, state headquarters, or auxiliary unit has 21722
been in continuous existence in this state for at least two years 21723
and incorporated as a nonprofit corporation ~~for at least two years~~ 21724
and either has received a letter from the state headquarters of 21725
the national veteran's association indicating that the individual 21726
post or auxiliary unit is in good standing with the national 21727
veteran's association or has received a letter from the national 21728

veteran's association indicating that the state headquarters is in 21729
good standing with the national veteran's association. As used in 21730
this division, "national veteran's association" means any 21731
veteran's association that has been in continuous existence as 21732
such for a period of at least five years and either is 21733
incorporated by an act of the United States congress or has a 21734
national dues-paying membership of at least five thousand persons. 21735

(L) "Volunteer firefighter's organization" means any 21736
organization of volunteer firefighters, as defined in section 21737
146.01 of the Revised Code, that is organized and operated 21738
exclusively to provide financial support for a volunteer fire 21739
department or a volunteer fire company and that is recognized or 21740
ratified by a county, municipal corporation, or township. 21741

(M) "Fraternal organization" means any society, order, state 21742
headquarters, or association within this state, except a college 21743
or high school fraternity, that is not organized for profit, that 21744
is a branch, lodge, or chapter of a national or state 21745
organization, that exists exclusively for the common business or 21746
sodality of its members, and that has been in continuous existence 21747
in this state for a period of five years. 21748

(N) "Volunteer rescue service organization" means any 21749
organization of volunteers organized to function as an emergency 21750
medical service organization, as defined in section 4765.01 of the 21751
Revised Code. 21752

(O) "Service organization" means any organization, not 21753
organized for profit, that is organized and operated exclusively 21754
to provide, or to contribute to the support of organizations or 21755
institutions organized and operated exclusively to provide, 21756
medical and therapeutic services for persons who are crippled, 21757
born with birth defects, or have any other mental or physical 21758
defect or those organized and operated exclusively to protect, or 21759
to contribute to the support of organizations or institutions 21760

organized and operated exclusively to protect, animals from 21761
inhumane treatment. 21762

(P) "Nonprofit medical organization" means any organization 21763
that has been incorporated as a nonprofit corporation for at least 21764
five years and that has continuously operated and will be operated 21765
exclusively to provide, or to contribute to the support of 21766
organizations or institutions organized and operated exclusively 21767
to provide, hospital, medical, research, or therapeutic services 21768
for the public. 21769

(Q) "Senior citizen's organization" means any private 21770
organization, not organized for profit, that is organized and 21771
operated exclusively to provide recreational or social services 21772
for persons who are fifty-five years of age or older and that is 21773
described and qualified under subsection 501(c)(3) of the Internal 21774
Revenue Code. 21775

(R) "Charitable bingo game" means any bingo game described in 21776
division (S)(1) or (2) of this section that is conducted by a 21777
charitable organization that has obtained a license pursuant to 21778
section 2915.08 of the Revised Code and the proceeds of which are 21779
used for a charitable purpose. 21780

(S) "Bingo" means either of the following: 21781

(1) A game with all of the following characteristics: 21782

(a) The participants use bingo cards or sheets, including 21783
paper formats and electronic representation or image formats, that 21784
are divided into twenty-five spaces arranged in five horizontal 21785
and five vertical rows of spaces, with each space, except the 21786
central space, being designated by a combination of a letter and a 21787
number and with the central space being designated as a free 21788
space. 21789

(b) The participants cover the spaces on the bingo cards or 21790
sheets that correspond to combinations of letters and numbers that 21791

are announced by a bingo game operator. 21792

(c) A bingo game operator announces combinations of letters 21793
and numbers that appear on objects that a bingo game operator 21794
selects by chance, either manually or mechanically, from a 21795
receptacle that contains seventy-five objects at the beginning of 21796
each game, each object marked by a different combination of a 21797
letter and a number that corresponds to one of the seventy-five 21798
possible combinations of a letter and a number that can appear on 21799
the bingo cards or sheets. 21800

(d) The winner of the bingo game includes any participant who 21801
properly announces during the interval between the announcements 21802
of letters and numbers as described in division (S)(1)(c) of this 21803
section, that a predetermined and preannounced pattern of spaces 21804
has been covered on a bingo card or sheet being used by the 21805
participant. 21806

(2) Instant bingo, punch boards, and raffles. 21807

(T) "Conduct" means to back, promote, organize, manage, carry 21808
on, sponsor, or prepare for the operation of bingo or a game of 21809
chance. 21810

(U) "Bingo game operator" means any person, except security 21811
personnel, who performs work or labor at the site of bingo, 21812
including, but not limited to, collecting money from participants, 21813
handing out bingo cards or sheets or objects to cover spaces on 21814
bingo cards or sheets, selecting from a receptacle the objects 21815
that contain the combination of letters and numbers that appear on 21816
bingo cards or sheets, calling out the combinations of letters and 21817
numbers, distributing prizes, selling or redeeming instant bingo 21818
tickets or cards, supervising the operation of a punch board, 21819
selling raffle tickets, selecting raffle tickets from a receptacle 21820
and announcing the winning numbers in a raffle, and preparing, 21821
selling, and serving food or beverages. 21822

(V) "Participant" means any person who plays bingo.	21823
(W) "Bingo session" means a period that includes both of the following:	21824
	21825
(1) Not to exceed five continuous hours for the conduct of one or more games described in division (S)(1) of this section, instant bingo, and seal cards;	21826
	21827
	21828
(2) A period for the conduct of instant bingo and seal cards for not more than two hours before and not more than two hours after the period described in division (W)(1) of this section.	21829
	21830
	21831
(X) "Gross receipts" means all money or assets, including admission fees, that a person receives from bingo without the deduction of any amounts for prizes paid out or for the expenses of conducting bingo. "Gross receipts" does not include any money directly taken in from the sale of food or beverages by a charitable organization conducting bingo, or by a bona fide auxiliary unit or society of a charitable organization conducting bingo, provided all of the following apply:	21832
	21833
	21834
	21835
	21836
	21837
	21838
	21839
(1) The auxiliary unit or society has been in existence as a bona fide auxiliary unit or society of the charitable organization for at least two years prior to conducting bingo.	21840
	21841
	21842
(2) The person who purchases the food or beverage receives nothing of value except the food or beverage and items customarily received with the purchase of that food or beverage.	21843
	21844
	21845
(3) The food and beverages are sold at customary and reasonable prices.	21846
	21847
(Y) "Security personnel" includes any person who either is a sheriff, deputy sheriff, marshal, deputy marshal, township constable, or member of an organized police department of a municipal corporation or has successfully completed a peace officer's training course pursuant to sections 109.71 to 109.79 of	21848
	21849
	21850
	21851
	21852

the Revised Code and who is hired to provide security for the 21853
premises on which bingo is conducted. 21854

(Z) "Charitable purpose" means that the net profit of bingo, 21855
other than instant bingo, is used by, or is given, donated, or 21856
otherwise transferred to, any of the following: 21857

(1) Any organization that is described in subsection 21858
509(a)(1), 509(a)(2), or 509(a)(3) of the Internal Revenue Code 21859
and is either a governmental unit or an organization that is tax 21860
exempt under subsection 501(a) and described in subsection 21861
501(c)(3) of the Internal Revenue Code; 21862

(2) A veteran's organization that is a post, chapter, or 21863
organization of veterans, or an auxiliary unit or society of, or a 21864
trust or foundation for, any such post, chapter, or organization 21865
organized in the United States or any of its possessions, at least 21866
seventy-five per cent of the members of which are veterans and 21867
substantially all of the other members of which are individuals 21868
who are spouses, widows, or widowers of veterans, or such 21869
individuals, provided that no part of the net earnings of such 21870
post, chapter, or organization inures to the benefit of any 21871
private shareholder or individual, and further provided that the 21872
net profit is used by the post, chapter, or organization for the 21873
charitable purposes set forth in division (B)(12) of section 21874
5739.02 of the Revised Code, is used for awarding scholarships to 21875
or for attendance at an institution mentioned in division (B)(12) 21876
of section 5739.02 of the Revised Code, is donated to a 21877
governmental agency, or is used for nonprofit youth activities, 21878
the purchase of United States or Ohio flags that are donated to 21879
schools, youth groups, or other bona fide nonprofit organizations, 21880
promotion of patriotism, or disaster relief; 21881

(3) A fraternal organization that has been in continuous 21882
existence in this state for fifteen years and that uses the net 21883
profit exclusively for religious, charitable, scientific, 21884

literary, or educational purposes, or for the prevention of 21885
cruelty to children or animals, if contributions for such use 21886
would qualify as a deductible charitable contribution under 21887
subsection 170 of the Internal Revenue Code; 21888

(4) A volunteer firefighter's organization that uses the net 21889
profit for the purposes set forth in division (L) of this section. 21890

(AA) "Internal Revenue Code" means the "Internal Revenue Code 21891
of 1986," 100 Stat. 2085, 26 U.S.C. 1, as now or hereafter 21892
amended. 21893

(BB) "Youth athletic organization" means any organization, 21894
not organized for profit, that is organized and operated 21895
exclusively to provide financial support to, or to operate, 21896
athletic activities for persons who are twenty-one years of age or 21897
younger by means of sponsoring, organizing, operating, or 21898
contributing to the support of an athletic team, club, league, or 21899
association. 21900

(CC) "Youth athletic park organization" means any 21901
organization, not organized for profit, that satisfies both of the 21902
following: 21903

(1) It owns, operates, and maintains playing fields that 21904
satisfy both of the following: 21905

(a) The playing fields are used at least one hundred days per 21906
year for athletic activities by one or more organizations, not 21907
organized for profit, each of which is organized and operated 21908
exclusively to provide financial support to, or to operate, 21909
athletic activities for persons who are eighteen years of age or 21910
younger by means of sponsoring, organizing, operating, or 21911
contributing to the support of an athletic team, club, league, or 21912
association. 21913

(b) The playing fields are not used for any profit-making 21914
activity at any time during the year. 21915

(2) It uses the proceeds of bingo it conducts exclusively for the operation, maintenance, and improvement of its playing fields of the type described in division (CC)(1) of this section.

(DD) "Amateur athletic organization" means any organization, not organized for profit, that is organized and operated exclusively to provide financial support to, or to operate, athletic activities for persons who are training for amateur athletic competition that is sanctioned by a national governing body as defined in the "Amateur Sports Act of 1978," 90 Stat. 3045, 36 U.S.C.A. 373.

(EE) "Bingo supplies" means bingo cards or sheets; instant bingo tickets or cards; electronic bingo aids; raffle tickets; punch boards; seal cards; instant bingo ticket dispensers; and devices for selecting or displaying the combination of bingo letters and numbers or raffle tickets. Items that are "bingo supplies" are not gambling devices if sold or otherwise provided, and used, in accordance with this chapter. For purposes of this chapter, "bingo supplies" are not to be considered equipment used to conduct a bingo game.

(FF) "Instant bingo" means a form of bingo that uses folded or banded tickets or paper cards with perforated break-open tabs, a face of which is covered or otherwise hidden from view to conceal a number, letter, or symbol, or set of numbers, letters, or symbols, some of which have been designated in advance as prize winners. "Instant bingo" includes seal cards. "Instant bingo" does not include any device that is activated by the insertion of a coin, currency, token, or an equivalent, and that contains as one of its components a video display monitor that is capable of displaying numbers, letters, symbols, or characters in winning or losing combinations.

(GG) "Seal card" means a form of instant bingo that uses

instant bingo tickets in conjunction with a board or placard that 21947
contains one or more seals that, when removed or opened, reveal 21948
predesignated winning numbers, letters, or symbols. 21949

(HH) "Raffle" means a form of bingo in which the one or more 21950
prizes are won by one or more persons who have purchased a raffle 21951
ticket. The one or more winners of the raffle are determined by 21952
drawing a ticket stub or other detachable section from a 21953
receptacle containing ticket stubs or detachable sections 21954
corresponding to all tickets sold for the raffle. 21955

(II) "Punch board" means a board containing a number of holes 21956
or receptacles of uniform size in which are placed, mechanically 21957
and randomly, serially numbered slips of paper that may be punched 21958
or drawn from the hole or receptacle when used in conjunction with 21959
instant bingo. A player may punch or draw the numbered slips of 21960
paper from the holes or receptacles and obtain the prize 21961
established for the game if the number drawn corresponds to a 21962
winning number or, if the punch board includes the use of a seal 21963
card, a potential winning number. 21964

(JJ) "Gross profit" means gross receipts minus the amount 21965
actually expended for the payment of prize awards. 21966

(KK) "Net profit" means gross profit minus expenses. 21967

(LL) "Expenses" means the reasonable amount of gross profit 21968
actually expended for all of the following: 21969

(1) The purchase or lease of bingo supplies; 21970

(2) The annual license fee required under section 2915.08 of 21971
the Revised Code; 21972

(3) Bank fees and service charges for a bingo session or game 21973
account described in section 2915.10 of the Revised Code; 21974

(4) Audits and accounting services; 21975

(5) Safes; 21976

(6) Cash registers;	21977
(7) Hiring security personnel;	21978
(8) Advertising bingo;	21979
(9) Renting premises in which to conduct <u>a bingo session;</u>	21980
(10) Tables and chairs;	21981
(11) <u>Expenses for maintaining and operating a charitable organization's facilities, including, but not limited to, a post home, club house, lounge, tavern, or canteen and any grounds attached to the post home, club house, lounge, tavern, or canteen;</u>	21982
	21983
	21984
	21985
(12) Any other product or service directly related to the conduct of bingo that is authorized in rules adopted by the attorney general under division (B)(1) of section 2915.08 of the Revised Code.	21986
	21987
	21988
	21989
(MM) "Person" has the same meaning as in section 1.59 of the Revised Code and includes any firm or any other legal entity, however organized.	21990
	21991
	21992
(NN) "Revoke" means to void permanently all rights and privileges of the holder of a license issued under section 2915.08, 2915.081, or 2915.082 of the Revised Code or a charitable gaming license issued by another jurisdiction.	21993
	21994
	21995
	21996
(OO) "Suspend" means to interrupt temporarily all rights and privileges of the holder of a license issued under section 2915.08, 2915.081, or 2915.082 of the Revised Code or a charitable gaming license issued by another jurisdiction.	21997
	21998
	21999
	22000
(PP) "Distributor" means any person who purchases or obtains bingo supplies and who sells, offers for sale, or otherwise provides or offers to provide the bingo supplies to another person for use in this state.	22001
	22002
	22003
	22004
(QQ) "Manufacturer" means any person who assembles completed	22005

bingo supplies from raw materials, other items, or subparts or who 22006
modifies, converts, adds to, or removes parts from bingo supplies 22007
to further their promotion or sale. 22008

(RR) "Gross annual revenues" means the annual gross receipts 22009
derived from the conduct of bingo described in division (S)(1) of 22010
this section plus the annual net profit derived from the conduct 22011
of bingo described in division (S)(2) of this section. 22012

(SS) "Instant bingo ticket dispenser" means a mechanical 22013
device that dispenses an instant bingo ticket or card as the sole 22014
item of value dispensed and that has the following 22015
characteristics: 22016

(1) It is activated upon the insertion of United States 22017
currency. 22018

(2) It performs no gaming functions. 22019

(3) It does not contain a video display monitor or generate 22020
noise. 22021

(4) It is not capable of displaying any numbers, letters, 22022
symbols, or characters in winning or losing combinations. 22023

(5) It does not simulate or display rolling or spinning 22024
reels. 22025

(6) It is incapable of determining whether a dispensed bingo 22026
ticket or card is a winning or nonwinning ticket or card and 22027
requires a winning ticket or card to be paid by a bingo game 22028
operator. 22029

(7) It may provide accounting and security features to aid in 22030
accounting for the instant bingo tickets or cards it dispenses. 22031

(8) It is not part of an electronic network and is not 22032
interactive. 22033

(TT)(1) "Electronic bingo aid" means an electronic device 22034
used by a participant to monitor bingo cards or sheets purchased 22035

at the time and place of a bingo session and that does all of the 22036
following: 22037

(a) It provides a means for a participant to input numbers 22038
and letters announced by a bingo caller. 22039

(b) It compares the numbers and letters entered by the 22040
participant to the bingo faces previously stored in the memory of 22041
the device. 22042

(c) It identifies a winning bingo pattern. 22043

(2) "Electronic bingo aid" does not include any device into 22044
which a coin, currency, token, or an equivalent is inserted to 22045
activate play. 22046

(UU) "Deal of instant bingo tickets" means a single game of 22047
instant bingo tickets all with the same serial number. 22048

(VV)(1) "Slot" machine means either of the following: 22049

~~(1)~~(a) Any mechanical, electronic, video, or digital device 22050
that is capable of accepting anything of value, directly or 22051
indirectly, from or on behalf of a player who gives the thing of 22052
value in the hope of gain, the outcome of which is determined 22053
largely or wholly by chance; 22054

~~(2)~~(b) Any mechanical, electronic, video, or digital device 22055
that is capable of accepting anything of value, directly or 22056
indirectly, from or on behalf of a player to conduct or dispense 22057
bingo or a scheme or game of chance. 22058

(2) "Slot machine" does not include a skill-based amusement 22059
machine. 22060

(WW) "Net profit from the proceeds of the sale of instant 22061
bingo" means gross profit minus the ordinary, necessary, and 22062
reasonable expense expended for the purchase of instant bingo 22063
supplies. 22064

(XX) "Charitable instant bingo organization" means an 22065

organization that is exempt from federal income taxation under 22066
subsection 501(a) and described in subsection 501(c)(3) of the 22067
Internal Revenue Code and is a charitable organization as defined 22068
in this section. A "charitable instant bingo organization" does 22069
not include a charitable organization that is exempt from federal 22070
income taxation under subsection 501(a) and described in 22071
subsection 501(c)(3) of the Internal Revenue Code and that is 22072
created by a veteran's organization ~~or~~, a fraternal organization, 22073
or a sporting organization in regards to bingo conducted or 22074
assisted by a veteran's organization ~~or~~, a fraternal organization, 22075
or a sporting organization pursuant to section 2915.13 of the 22076
Revised Code. 22077

(YY) "Game flare" means the board or placard that accompanies 22078
each deal of instant bingo tickets and that has printed on or 22079
affixed to it the following information for the game: 22080

(1) The name of the game; 22081

(2) The manufacturer's name or distinctive logo; 22082

(3) The form number; 22083

(4) The ticket count; 22084

(5) The prize structure, including the number of winning 22085
instant bingo tickets by denomination and the respective winning 22086
symbol or number combinations for the winning instant bingo 22087
tickets; 22088

(6) The cost per play; 22089

(7) The serial number of the game. 22090

(ZZ) "Historic railroad educational organization" means an 22091
organization that is exempt from federal income taxation under 22092
subsection 501(a) and described in subsection 501(c)(3) of the 22093
Internal Revenue Code, that owns in fee simple the tracks and the 22094
right of way of a historic railroad that the organization restores 22095

or maintains and on which the organization provides excursions as 22096
part of a program to promote tourism and educate visitors 22097
regarding the role of railroad transportation in Ohio history, and 22098
that received as donations from a charitable organization that 22099
holds a license to conduct bingo under this chapter an amount 22100
equal to at least fifty per cent of that licensed charitable 22101
organization's net proceeds from the conduct of bingo during each 22102
of the five years preceding June 30, 2003. "Historic railroad" 22103
means all or a portion of the tracks and right of way of a 22104
railroad that was owned and operated by a for profit common 22105
carrier in this state at any time prior to January 1, 1950. 22106

(AAA)(1) "Skill-based amusement machine" means a skill-based 22107
amusement device, such as a mechanical, electronic, video, or 22108
digital device, or machine, whether or not the skill-based 22109
amusement machine requires payment for use through a coin or bill 22110
validator or other payment of consideration or value to 22111
participate in the machine's offering or to activate the machine, 22112
provided that all of the following apply: 22113

(a) The machine involves a task, game, play, contest, 22114
competition, or tournament in which the player actively 22115
participates in the task, game, play, contest, competition, or 22116
tournament. 22117

(b) The outcome of an individual's play and participation is 22118
not determined largely or wholly by chance. 22119

(c) The outcome of play during a game is not controlled by a 22120
person not actively participating in the game. 22121

(2) All of the following apply to any machine that is 22122
operated as described in division (AAA)(1) of this section: 22123

(a) As used in this section, "task," "game," and "play" mean 22124
one event from the initial activation of the machine until the 22125
results of play are determined without payment of additional 22126

consideration. An individual utilizing a machine that involves a 22127
single task, game, play, contest, competition, or tournament may 22128
be awarded prizes based on the results of play. 22129

(b) Advance play for a single task, game, play, contest, 22130
competition, or tournament participation may be purchased. The 22131
cost of the contest, competition, or tournament participation may 22132
be greater than a single non-contest, competition, or tournament 22133
play. 22134

(c) To the extent that the machine is used in a contest, 22135
competition, or tournament, that contest, competition, or 22136
tournament has a defined starting and ending date and is open to 22137
participants in competition for scoring and ranking results toward 22138
the awarding of prizes that are stated prior to the start of the 22139
contest, competition, or tournament. 22140

(BBB) "Pool not conducted for profit" means a scheme in which 22141
a participant gives a valuable consideration for a chance to win a 22142
prize and the total amount of consideration wagered is distributed 22143
to a participant or participants. 22144

(CCC) "Sporting organization" means a hunting, fishing, or 22145
trapping organization, other than a college or high school 22146
fraternity or sorority, that is not organized for profit, that is 22147
affiliated with a state or national sporting organization, 22148
including but not limited to, the Ohio League of sportsmen, and 22149
that has been in continuous existence in this state for a period 22150
of three years. 22151

Sec. 2915.02. (A) No person shall do any of the following: 22152

(1) Engage in bookmaking, or knowingly engage in conduct that 22153
facilitates bookmaking; 22154

(2) Establish, promote, or operate or knowingly engage in 22155
conduct that facilitates any game of chance conducted for profit 22156

or any scheme of chance;	22157
(3) Knowingly procure, transmit, exchange, or engage in	22158
conduct that facilitates the procurement, transmission, or	22159
exchange of information for use in establishing odds or	22160
determining winners in connection with bookmaking or with any game	22161
of chance conducted for profit or any scheme of chance;	22162
(4) Engage in betting or in playing any scheme or game of	22163
chance as a substantial source of income or livelihood;	22164
(5) With purpose to violate division (A)(1), (2), (3), or (4)	22165
of this section, acquire, possess, control, or operate any	22166
gambling device.	22167
(B) For purposes of division (A)(1) of this section, a person	22168
facilitates bookmaking if the person in any way knowingly aids an	22169
illegal bookmaking operation, including, without limitation,	22170
placing a bet with a person engaged in or facilitating illegal	22171
bookmaking. For purposes of division (A)(2) of this section, a	22172
person facilitates a game of chance conducted for profit or a	22173
scheme of chance if the person in any way knowingly aids in the	22174
conduct or operation of any such game or scheme, including,	22175
without limitation, playing any such game or scheme.	22176
(C) This section does not prohibit conduct in connection with	22177
gambling expressly permitted by law.	22178
(D) This section does not apply to any of the following:	22179
(1) Games of chance, if all of the following apply:	22180
(a) The games of chance are not craps for money or roulette	22181
for money.	22182
(b) The games of chance are conducted by a charitable	22183
organization that is, and has received from the internal revenue	22184
service a determination letter that is currently in effect,	22185
stating that the organization is, exempt from federal income	22186

taxation under subsection 501(a) and described in subsection 22187
501(c)(3) of the Internal Revenue Code. 22188

(c) The games of chance are conducted at festivals of the 22189
charitable organization that are conducted either for a period of 22190
four consecutive days or less and not more than twice a year or 22191
for a period of five consecutive days not more than once a year, 22192
and are conducted on premises owned by the charitable organization 22193
for a period of no less than one year immediately preceding the 22194
conducting of the games of chance, on premises leased from a 22195
governmental unit, or on premises that are leased from a veteran's 22196
or fraternal organization and that have been owned by the lessor 22197
veteran's or fraternal organization for a period of no less than 22198
one year immediately preceding the conducting of the games of 22199
chance. 22200

A charitable organization shall not lease premises from a 22201
veteran's or fraternal organization to conduct a festival 22202
described in division (D)(1)(c) of this section if the veteran's 22203
or fraternal organization already has leased the premises four 22204
times during the preceding year to charitable organizations for 22205
that purpose. If a charitable organization leases premises from a 22206
veteran's or fraternal organization to conduct a festival 22207
described in division (D)(1)(c) of this section, the charitable 22208
organization shall not pay a rental rate for the premises per day 22209
of the festival that exceeds the rental rate per bingo session 22210
that a charitable organization may pay under division (B)(1) of 22211
section 2915.09 of the Revised Code when it leases premises from 22212
another charitable organization to conduct bingo games. 22213

(d) All of the money or assets received from the games of 22214
chance after deduction only of prizes paid out during the conduct 22215
of the games of chance are used by, or given, donated, or 22216
otherwise transferred to, any organization that is described in 22217
subsection 509(a)(1), 509(a)(2), or 509(a)(3) of the Internal 22218

Revenue Code and is either a governmental unit or an organization 22219
that is tax exempt under subsection 501(a) and described in 22220
subsection 501(c)(3) of the Internal Revenue Code; 22221

(e) The games of chance are not conducted during, or within 22222
ten hours of, a bingo game conducted for amusement purposes only 22223
pursuant to section 2915.12 of the Revised Code. 22224

No person shall receive any commission, wage, salary, reward, 22225
tip, donation, gratuity, or other form of compensation, directly 22226
or indirectly, for operating or assisting in the operation of any 22227
game of chance. 22228

(2) Any tag fishing tournament operated under a permit issued 22229
under section 1533.92 of the Revised Code, as "tag fishing 22230
tournament" is defined in section 1531.01 of the Revised Code; 22231

(3) Bingo conducted by a charitable organization that holds a 22232
license issued under section 2915.08 of the Revised Code. 22233

(E) Division (D) of this section shall not be construed to 22234
authorize the sale, lease, or other temporary or permanent 22235
transfer of the right to conduct games of chance, as granted by 22236
that division, by any charitable organization that is granted that 22237
right. 22238

(F) Whoever violates this section is guilty of gambling, a 22239
misdemeanor of the first degree. If the offender previously has 22240
been convicted of any gambling offense, gambling is a felony of 22241
the fifth degree. 22242

Sec. 2915.08. (A)(1) Annually before the first day of 22243
January, a charitable organization that desires to conduct bingo, 22244
instant bingo at a bingo session, or instant bingo other than at a 22245
bingo session shall make out, upon a form to be furnished by the 22246
attorney general for that purpose, an application for a license to 22247
conduct bingo, instant bingo at a bingo session, or instant bingo 22248

other than at a bingo session and deliver that application to the attorney general together with a license fee as follows:

(a) Except as otherwise provided in this division, for a license for the conduct of bingo, two hundred dollars;

(b) For a license for the conduct of instant bingo at a bingo session or instant bingo other than at a bingo session for a ~~charitable~~ charitable organization that previously has not been licensed under this chapter to conduct instant bingo at a bingo session or instant bingo other than at a bingo session, a license fee of five hundred dollars, and for any other charitable organization, a license fee that is based upon the ~~total of all money or assets~~ gross profits received by ~~any person or the~~ charitable organization from the operation of instant bingo at a bingo session or instant bingo other than at a bingo session, during the one-year period ending on the thirty-first day of October of the year immediately preceding the year for which the license is sought, and that is one of the following:

(i) Five hundred dollars, if the total is fifty thousand dollars or less;

(ii) One thousand two hundred fifty dollars plus one-fourth per cent of the gross profit, if the total is more than fifty thousand dollars but less than ~~three~~ two hundred fifty thousand one dollars;

(iii) Two thousand two hundred fifty dollars plus one-half per cent of the gross profit, if the total is more than ~~three~~ two hundred fifty thousand dollars but less than ~~six~~ five hundred thousand one dollars;

(iv) Three thousand five hundred dollars plus one per cent of the gross profit, if the total is more than ~~six~~ five hundred thousand dollars but less than one million one dollars;

(v) Five thousand dollars plus one per cent of the gross

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profit, if the total is one million one dollars or more; 22280

(c) A reduced license fee established by the attorney general 22281
pursuant to division (G) of this section. 22282

(d) For a license to conduct bingo for a charitable 22283
organization that prior to ~~the effective date of this amendment~~ 22284
the effective date of this amendment has not been licensed under 22285
this chapter to conduct bingo, instant bingo at a bingo session, 22286
or instant bingo other than at a bingo session, a license fee 22287
established by rule by the attorney general in accordance with 22288
division (H) of this section. 22289

(2) The application shall be in the form prescribed by the 22290
attorney general, shall be signed and sworn to by the applicant, 22291
and shall contain all of the following: 22292

(a) The name and post-office address of the applicant; 22293

(b) A statement that the applicant is a charitable 22294
organization and that it has been in continuous existence as a 22295
charitable organization in this state for two years immediately 22296
preceding the making of the application or for five years in the 22297
case of a fraternal organization or a nonprofit medical 22298
organization; 22299

(c) The location at which the organization will conduct 22300
bingo, which location shall be within the county in which the 22301
principal place of business of the applicant is located, the days 22302
of the week and the times on each of those days when bingo will be 22303
conducted, whether the organization owns, leases, or subleases the 22304
premises, and a copy of the rental agreement if it leases or 22305
subleases the premises; 22306

(d) A statement of the applicant's previous history, record, 22307
and association that is sufficient to establish that the applicant 22308
is a charitable organization, and a copy of a determination letter 22309
that is issued by the Internal Revenue Service and states that the 22310

organization is tax exempt under subsection 501(a) and described 22311
in subsection 501(c)(3), 501(c)(4), 501(c)(7), 501(c)(8), 22312
501(c)(10), or 501(c)(19) of the Internal Revenue Code; 22313

(e) A statement as to whether the applicant has ever had any 22314
previous application refused, whether it previously has had a 22315
license revoked or suspended, and the reason stated by the 22316
attorney general for the refusal, revocation, or suspension; 22317

(f) A statement of the charitable purposes for which the net 22318
profit derived from bingo, other than instant bingo, will be used, 22319
and a statement of how the net profit derived from instant bingo 22320
will be distributed in accordance with section 2915.101 of the 22321
Revised Code; 22322

(g) Other necessary and reasonable information that the 22323
attorney general may require by rule adopted pursuant to section 22324
111.15 of the Revised Code; 22325

(h) If the applicant is a charitable trust as defined in 22326
section 109.23 of the Revised Code, a statement as to whether it 22327
has registered with the attorney general pursuant to section 22328
109.26 of the Revised Code or filed annual reports pursuant to 22329
section 109.31 of the Revised Code, and, if it is not required to 22330
do either, the exemption in section 109.26 or 109.31 of the 22331
Revised Code that applies to it; 22332

(i) If the applicant is a charitable organization as defined 22333
in section 1716.01 of the Revised Code, a statement as to whether 22334
it has filed with the attorney general a registration statement 22335
pursuant to section 1716.02 of the Revised Code and a financial 22336
report pursuant to section 1716.04 of the Revised Code, and, if it 22337
is not required to do both, the exemption in section 1716.03 of 22338
the Revised Code that applies to it; 22339

(j) In the case of an applicant seeking to qualify as a youth 22340
athletic park organization, a statement issued by a board or body 22341

vested with authority under Chapter 755. of the Revised Code for 22342
the supervision and maintenance of recreation facilities in the 22343
territory in which the organization is located, certifying that 22344
the playing fields owned by the organization were used for at 22345
least one hundred days during the year in which the statement is 22346
issued, and were open for use to all residents of that territory, 22347
regardless of race, color, creed, religion, sex, or national 22348
origin, for athletic activities by youth athletic organizations 22349
that do not discriminate on the basis of race, color, creed, 22350
religion, sex, or national origin, and that the fields were not 22351
used for any profit-making activity at any time during the year. 22352
That type of board or body is authorized to issue the statement 22353
upon request and shall issue the statement if it finds that the 22354
applicant's playing fields were so used. 22355

(3) The attorney general, within thirty days after receiving 22356
a timely filed application from a charitable organization that has 22357
been issued a license under this section that has not expired and 22358
has not been revoked or suspended, shall send a temporary permit 22359
to the applicant specifying the date on which the application was 22360
filed with the attorney general and stating that, pursuant to 22361
section 119.06 of the Revised Code, the applicant may continue to 22362
conduct bingo until a new license is granted or, if the 22363
application is rejected, until fifteen days after notice of the 22364
rejection is mailed to the applicant. The temporary permit does 22365
not affect the validity of the applicant's application and does 22366
not grant any rights to the applicant except those rights 22367
specifically granted in section 119.06 of the Revised Code. The 22368
issuance of a temporary permit by the attorney general pursuant to 22369
this division does not prohibit the attorney general from 22370
rejecting the applicant's application because of acts that the 22371
applicant committed, or actions that the applicant failed to take, 22372
before or after the issuance of the temporary permit. 22373

(4) Within thirty days after receiving an initial license application from a charitable organization to conduct bingo, instant bingo at a bingo session, or instant bingo other than at a bingo session, the attorney general shall conduct a preliminary review of the application and notify the applicant regarding any deficiencies. Once an application is deemed complete, or beginning on the thirtieth day after the application is filed, if the attorney general failed to notify the applicant of any deficiencies, the attorney general shall have an additional sixty days to conduct an investigation and either grant or deny the application based on findings established and communicated in accordance with divisions (B) and (E) of this section. As an option to granting or denying an initial license application, the attorney general may grant a temporary license and request additional time to conduct the investigation if the attorney general has cause to believe that additional time is necessary to complete the investigation and has notified the applicant in writing about the specific concerns raised during the investigation.

(B)(1) The attorney general shall adopt rules to enforce sections 2915.01, 2915.02, and 2915.07 to 2915.13 of the Revised Code to ensure that bingo or instant bingo is conducted in accordance with those sections and to maintain proper control over the conduct of bingo or instant bingo. The rules, except rules adopted pursuant to divisions (A)(2)(g) and (G) of this section, shall be adopted pursuant to Chapter 119. of the Revised Code. The attorney general shall license charitable organizations to conduct bingo, instant bingo at a bingo session, or instant bingo other than at a bingo session in conformance with this chapter and with the licensing provisions of Chapter 119. of the Revised Code.

(2) The attorney general may refuse to grant a license to any organization, or revoke or suspend the license of any

organization, that does any of the following or to which any of 22406
the following applies: 22407

(a) Fails or has failed at any time to meet any requirement 22408
of section 109.26, 109.31, or 1716.02, or sections 2915.07 to 22409
2915.11 of the Revised Code, or violates or has violated any 22410
provision of sections 2915.02 or 2915.07 to 2915.13 of the Revised 22411
Code or any rule adopted by the attorney general pursuant to this 22412
section; 22413

(b) Makes or has made an incorrect or false statement that is 22414
material to the granting of the license in an application filed 22415
pursuant to division (A) of this section; 22416

(c) Submits or has submitted any incorrect or false 22417
information relating to an application if the information is 22418
material to the granting of the license; 22419

(d) Maintains or has maintained any incorrect or false 22420
information that is material to the granting of the license in the 22421
records required to be kept pursuant to divisions (A) and (C) of 22422
section 2915.10 of the Revised Code, if applicable; 22423

(e) The attorney general has good cause to believe that the 22424
organization will not conduct bingo, instant bingo at a bingo 22425
session, or instant bingo other than at a bingo session in 22426
accordance with sections 2915.07 to 2915.13 of the Revised Code or 22427
with any rule adopted by the attorney general pursuant to this 22428
section. 22429

(3) For the purposes of division (B) of this section, any 22430
action of an officer, trustee, agent, representative, or bingo 22431
game operator of an organization is an action of the organization. 22432

(C) The attorney general may grant licenses to charitable 22433
organizations that are branches, lodges, or chapters of national 22434
charitable organizations. 22435

(D) The attorney general shall send notice in writing to the prosecuting attorney and sheriff of the county in which the organization will conduct bingo, instant bingo at a bingo session, or instant bingo other than at a bingo session, as stated in its application for a license or amended license, and to any other law enforcement agency in that county that so requests, of all of the following:

(1) The issuance of the license;

(2) The issuance of the amended license;

(3) The rejection of an application for and refusal to grant a license;

(4) The revocation of any license previously issued;

(5) The suspension of any license previously issued.

(E) A license issued by the attorney general shall set forth the information contained on the application of the charitable organization that the attorney general determines is relevant, including, but not limited to, the location at which the organization will conduct bingo, instant bingo at a bingo session, or instant bingo other than at a bingo session and the days of the week and the times on each of those days when bingo will be conducted. If the attorney general refuses to grant or revokes or suspends a license, the attorney general shall notify the applicant in writing and specifically identify the reason for the refusal, revocation, or suspension in narrative form and, if applicable, by identifying the section of the Revised Code violated. The failure of the attorney general to give the written notice of the reasons for the refusal, revocation, or suspension or a mistake in the written notice does not affect the validity of the attorney general's refusal to grant, or the revocation or suspension of, a license. If the attorney general fails to give the written notice or if there is a mistake in the written notice,

the applicant may bring an action to compel the attorney general 22467
to comply with this division or to correct the mistake, but the 22468
attorney general's order refusing to grant, or revoking or 22469
suspending, a license shall not be enjoined during the pendency of 22470
the action. 22471

(F) A charitable organization that has been issued a license 22472
pursuant to division (B) of this section but that cannot conduct 22473
bingo or instant bingo at the location, or on the day of the week 22474
or at the time, specified on the license due to circumstances that 22475
make it impractical to do so may apply in writing, together with 22476
an application fee of two hundred fifty dollars, to the attorney 22477
general, at least thirty days prior to a change in location, day 22478
of the week, or time, and request an amended license. The 22479
application shall describe the causes making it impractical for 22480
the organization to conduct bingo or instant bingo in conformity 22481
with its license and shall indicate the location, days of the 22482
week, and times on each of those days when it desires to conduct 22483
bingo or instant bingo. Except as otherwise provided in this 22484
division, the attorney general shall issue the amended license in 22485
accordance with division (E) of this section, and the organization 22486
shall surrender its original license to the attorney general. The 22487
attorney general may refuse to grant an amended license according 22488
to the terms of division (B) of this section. 22489

(G) The attorney general, by rule adopted pursuant to section 22490
111.15 of the Revised Code, shall establish a schedule of reduced 22491
license fees for charitable organizations that desire to conduct 22492
bingo or instant bingo during fewer than twenty-six weeks in any 22493
calendar year. 22494

(H) The attorney general, by rule adopted pursuant to section 22495
111.15 of the Revised Code, shall establish license fees for the 22496
conduct of bingo, instant bingo at a bingo session, or instant 22497
bingo other than at a bingo session for charitable organizations 22498

that prior to ~~the effective date of this amendment~~ the effective 22499
date of this amendment have not been licensed to conduct bingo, 22500
instant bingo at a bingo session, or instant bingo other than at a 22501
bingo session under this chapter. 22502

(I) The attorney general may enter into a written contract 22503
with any other state agency to delegate to that state agency the 22504
powers prescribed to the attorney general under Chapter 2915. of 22505
the Revised Code. 22506

(J) The attorney general, by rule adopted pursuant to section 22507
111.15 of the Revised Code, may adopt rules to determine the 22508
requirements for a charitable organization that is exempt from 22509
federal income taxation under subsection 501(a) and described in 22510
subsection 501(c)(3) of the Internal Revenue Code to be in good 22511
standing in the state. 22512

Sec. 2915.081. (A) No distributor shall sell, offer to sell, 22513
or otherwise provide or offer to provide bingo supplies to another 22514
person for use in this state without having obtained a license 22515
from the attorney general under this section. 22516

(B) The attorney general may issue a distributor license to 22517
any person that meets the requirements of this section. The 22518
application for the license shall be on a form prescribed by the 22519
attorney general and be accompanied by the annual fee prescribed 22520
by this section. The license is valid for a period of one year, 22521
and the annual fee for the license is ~~two~~ five thousand ~~five~~ 22522
~~hundred~~ dollars. 22523

(C) The attorney general may refuse to issue a distributor 22524
license to any person to which any of the following applies, or to 22525
any person that has an officer, partner, or other person who has 22526
an ownership interest of ten per cent or more and to whom any of 22527
the following applies: 22528

(1) The person, officer, or partner has been convicted of a 22529
felony under the laws of this state, another state, or the United 22530
States. 22531

(2) The person, officer, or partner has been convicted of any 22532
gambling offense. 22533

(3) The person, officer, or partner has made an incorrect or 22534
false statement that is material to the granting of a license in 22535
an application submitted to the attorney general under this 22536
section or in a similar application submitted to a gambling 22537
licensing authority in another jurisdiction if the statement 22538
resulted in license revocation through administrative action in 22539
the other jurisdiction. 22540

(4) The person, officer, or partner has submitted any 22541
incorrect or false information relating to the application to the 22542
attorney general under this section, if the information is 22543
material to the granting of the license. 22544

(5) The person, officer, or partner has failed to correct any 22545
incorrect or false information that is material to the granting of 22546
the license in the records required to be maintained under 22547
division (E) of section 2915.10 of the Revised Code. 22548

(6) The person, officer, or partner has had a license related 22549
to gambling revoked or suspended under the laws of this state, 22550
another state, or the United States. 22551

(D) The attorney general shall not issue a distributor 22552
license to any person that is involved in the conduct of bingo on 22553
behalf of a charitable organization or that is a lessor of 22554
premises used for the conduct of bingo. This division does not 22555
prohibit a distributor from advising charitable organizations on 22556
the use and benefit of specific bingo supplies or prohibit a 22557
distributor from advising a customer on operational methods to 22558
improve bingo profitability. 22559

(E)(1) No distributor shall sell, offer to sell, or otherwise provide or offer to provide bingo supplies to any person for use in this state except to a charitable organization that has been issued a license under section 2915.08 of the Revised Code or to another distributor that has been issued a license under this section. No distributor shall accept payment for the sale or other provision of bingo supplies other than by check.

(2) No distributor may donate, give, loan, lease, or otherwise provide any bingo supplies or equipment to a charitable organization for use in a bingo session conditioned on or in consideration for an exclusive right to provide bingo supplies to the charitable organization. A distributor may provide a licensed charitable organization with free samples of the distributor's products to be used as prizes or to be used for the purpose of sampling.

(3) No distributor shall purchase bingo supplies for use in this state from any person except from a manufacturer issued a license under section 2915.082 of the Revised Code or from another distributor issued a license under this section. Subject to division (D) of section 2915.082 of the Revised Code, no distributor shall pay for purchased bingo supplies other than by check.

(4) No distributor shall participate in the conduct of bingo on behalf of a charitable organization or have any direct or indirect ownership interest in a premises used for the conduct of bingo.

(5) No distributor shall knowingly solicit, offer, pay, or receive any kickback, bribe, or undocumented rebate, directly or indirectly, overtly or covertly, in cash or in kind, in return for providing bingo supplies to any person in this state.

(F) The attorney general may suspend or revoke a distributor

license for any of the reasons for which the attorney general may 22591
refuse to issue a distributor license specified in division (C) of 22592
this section or if the distributor holding the license violates 22593
any provision of this chapter or any rule adopted by the attorney 22594
general under this chapter. 22595

(G) Whoever violates division (A) or (E) of this section is 22596
guilty of illegally operating as a distributor. Except as 22597
otherwise provided in this division, illegally operating as a 22598
distributor is a misdemeanor of the first degree. If the offender 22599
previously has been convicted of a violation of division (A) or 22600
(E) of this section, illegally operating as a distributor is a 22601
felony of the fifth degree. 22602

Sec. 2915.082. (A) No manufacturer shall sell, offer to sell, 22603
or otherwise provide or offer to provide bingo supplies for use in 22604
this state without having obtained a license from the attorney 22605
general under this section. 22606

(B) The attorney general may issue a manufacturer license to 22607
any person that meets the requirements of this section. The 22608
application for the license shall be on a form prescribed by the 22609
attorney general and be accompanied by the annual fee prescribed 22610
by this section. The license is valid for a period of one year, 22611
and the annual fee for the license is ~~two~~ five thousand ~~five~~ 22612
~~hundred~~ dollars. 22613

(C) The attorney general may refuse to issue a manufacturer 22614
license to any person to which any of the following applies, or to 22615
any person that has an officer, partner, or other person who has 22616
an ownership interest of ten per cent or more and to whom any of 22617
the following applies: 22618

(1) The person, officer, or partner has been convicted of a 22619
felony under the laws of this state, another state, or the United 22620
States. 22621

(2) The person, officer, or partner has been convicted of any 22622
gambling offense. 22623

(3) The person, officer, or partner has made an incorrect or 22624
false statement that is material to the granting of a license in 22625
an application submitted to the attorney general under this 22626
section or in a similar application submitted to a gambling 22627
licensing authority in another jurisdiction if the statement 22628
resulted in license revocation through administrative action in 22629
the other jurisdiction. 22630

(4) The person, officer, or partner has submitted any 22631
incorrect or false information relating to the application to the 22632
attorney general under this section, if the information is 22633
material to the granting of the license. 22634

(5) The person, officer, or partner has failed to correct any 22635
incorrect or false information that is material to the granting of 22636
the license in the records required to be maintained under 22637
division (F) of section 2915.10 of the Revised Code. 22638

(6) The person, officer, or partner has had a license related 22639
to gambling revoked or suspended under the laws of this state, 22640
another state, or the United States. 22641

(D)(1) No manufacturer shall sell, offer to sell, or 22642
otherwise provide or offer to provide bingo supplies to any person 22643
for use in this state except to a distributor that has been issued 22644
a license under section 2915.081 of the Revised Code. No 22645
manufacturer shall accept payment for the sale of bingo supplies 22646
other than by check. 22647

(2) No manufacturer shall knowingly solicit, offer, pay, or 22648
receive any kickback, bribe, or undocumented rebate, directly or 22649
indirectly, overtly or covertly, in cash or in kind, in return for 22650
providing bingo supplies to any person in this state. 22651

(E)(1) The attorney general may suspend or revoke a 22652
manufacturer license for any of the reasons for which the attorney 22653
general may refuse to issue a manufacturer license specified in 22654
division (C) of this section or if the manufacturer holding the 22655
license violates any provision of this chapter or any rule adopted 22656
by the attorney general under this chapter. 22657

(2) The attorney general may perform an onsite inspection of 22658
a manufacturer of bingo supplies that is selling, offering to 22659
sell, or otherwise providing or offering to provide bingo supplies 22660
or that is applying for a license to sell, offer to sell, or 22661
otherwise provide or offer to provide bingo supplies in this 22662
state. 22663

(F) Whoever violates division (A) or (D) of this section is 22664
guilty of illegally operating as a manufacturer. Except as 22665
otherwise provided in this division, illegally operating as a 22666
manufacturer is a misdemeanor of the first degree. If the offender 22667
previously has been convicted of a violation of division (A) or 22668
(D) of this section, illegally operating as a manufacturer is a 22669
felony of the fifth degree. 22670

Sec. 2915.09. (A) No charitable organization that conducts 22671
bingo shall fail to do any of the following: 22672

(1) Own all of the equipment used to conduct bingo or lease 22673
that equipment from a charitable organization that is licensed to 22674
conduct bingo for a rental rate that is not more than is customary 22675
and reasonable for that equipment; 22676

(2) ~~Use~~ Except as otherwise provided in division (A)(3) of 22677
this section, use all of the gross receipts from bingo for paying 22678
prizes, for renting premises in which to conduct a bingo session, 22679
for purchasing or leasing bingo supplies used in conducting bingo, 22680
for hiring security personnel, for advertising bingo, or for other 22681

expenses listed in division (LL) of section 2915.01 of the Revised Code, provided that the amount of the receipts so spent is not more than is customary and reasonable for a similar purchase, lease, hiring, advertising, or expense. If the building in which bingo is conducted is owned by the charitable organization conducting bingo and the bingo conducted includes a form of bingo described in division (S)(1) of section 2915.01 of the Revised Code, the charitable organization may deduct from the total amount of the gross receipts from each session a sum equal to the lesser of six hundred dollars or forty-five per cent of the gross receipts from the bingo described in that division as consideration for the use of the premises.

(3) Use, or give, donate, or otherwise transfer, all of the net profit derived from bingo, other than instant bingo, for a charitable purpose listed in its license application and described in division (Z) of section 2915.01 of the Revised Code, or distribute all of the net profit ~~derived from instant bingo~~ from the proceeds of the sale of instant bingo as stated in its license application and in accordance with section 2915.101 of the Revised Code.

(B) No charitable organization that conducts a bingo game described in division (S)(1) of section 2915.01 of the Revised Code shall fail to do any of the following:

(1) Conduct the bingo game on premises that are owned by the charitable organization, on premises that are owned by another charitable organization and leased from that charitable organization for a rental rate not in excess of the lesser of six hundred dollars per bingo session or forty-five per cent of the gross receipts of the bingo session, on premises that are leased from a person other than a charitable organization for a rental rate that is not more than is customary and reasonable for premises that are similar in location, size, and quality but not

in excess of four hundred fifty dollars per bingo session, or on 22714
premises that are owned by a person other than a charitable 22715
organization, that are leased from that person by another 22716
charitable organization, and that are subleased from that other 22717
charitable organization by the charitable organization for a 22718
rental rate not in excess of four hundred fifty dollars per bingo 22719
session. If the charitable organization leases from a person other 22720
than a charitable organization the premises on which it conducts 22721
bingo sessions, the lessor of the premises shall provide only the 22722
premises to the organization and shall not provide the 22723
organization with bingo game operators, security personnel, 22724
concessions or concession operators, bingo supplies, or any other 22725
type of service or equipment. A charitable organization shall not 22726
lease or sublease premises that it owns or leases to more than one 22727
other charitable organization per calendar week for the purpose of 22728
conducting bingo sessions on the premises. A person that is not a 22729
charitable organization shall not lease premises that it owns, 22730
leases, or otherwise is empowered to lease to more than one 22731
charitable organization per calendar week for conducting bingo 22732
sessions on the premises. In no case shall more than two bingo 22733
sessions be conducted on any premises in any calendar week. 22734

(2) Display its license conspicuously at the premises where 22735
the bingo session is conducted; 22736

(3) Conduct the bingo session in accordance with the 22737
definition of bingo set forth in division (S)(1) of section 22738
2915.01 of the Revised Code. 22739

(C) No charitable organization that conducts a bingo game 22740
described in division (S)(1) of section 2915.01 of the Revised 22741
Code shall do any of the following: 22742

(1) Pay any compensation to a bingo game operator for 22743
operating a bingo session that is conducted by the charitable 22744
organization or for preparing, selling, or serving food or 22745

beverages at the site of the bingo session, permit any auxiliary 22746
unit or society of the charitable organization to pay compensation 22747
to any bingo game operator who prepares, sells, or serves food or 22748
beverages at a bingo session conducted by the charitable 22749
organization, or permit any auxiliary unit or society of the 22750
charitable organization to prepare, sell, or serve food or 22751
beverages at a bingo session conducted by the charitable 22752
organization, if the auxiliary unit or society pays any 22753
compensation to the bingo game operators who prepare, sell, or 22754
serve the food or beverages; 22755

(2) Pay consulting fees to any person for any services 22756
performed in relation to the bingo session; 22757

(3) Pay concession fees to any person who provides 22758
refreshments to the participants in the bingo session; 22759

(4) Except as otherwise provided in division (C)(4) of this 22760
section, conduct more than two bingo sessions in any seven-day 22761
period. A volunteer firefighter's organization or a volunteer 22762
rescue service organization that conducts not more than five bingo 22763
sessions in a calendar year may conduct more than two bingo 22764
sessions in a seven-day period after notifying the attorney 22765
general when it will conduct the sessions. 22766

(5) Pay out more than three thousand five hundred dollars in 22767
prizes for bingo games described in division (S)(1) of section 22768
2915.01 of the Revised Code during any bingo session that is 22769
conducted by the charitable organization; "Prizes" does not 22770
include awards from the conduct of instant bingo. 22771

(6) Conduct a bingo session at any time during the ten-hour 22772
period between midnight and ten a.m., at any time during, or 22773
within ten hours of, a bingo game conducted for amusement only 22774
pursuant to section 2915.12 of the Revised Code, at any premises 22775
not specified on its license, or on any day of the week or during 22776

any time period not specified on its license. If circumstances 22777
make it impractical for the charitable organization to conduct a 22778
bingo session at the premises, or on the day of the week or at the 22779
time, specified on its license or if a charitable organization 22780
wants to conduct bingo sessions on a day of the week or at a time 22781
other than the day or time specified on its license, the 22782
charitable organization may apply in writing to the attorney 22783
general for an amended license pursuant to division (F) of section 22784
2915.08 of the Revised Code. A charitable organization may apply 22785
twice in each calendar year for an amended license to conduct 22786
bingo sessions on a day of the week or at a time other than the 22787
day or time specified on its license. If the amended license is 22788
granted, the organization may conduct bingo sessions at the 22789
premises, on the day of the week, and at the time specified on its 22790
amended license. 22791

(7) Permit any person whom the charitable organization knows, 22792
or should have known, is under the age of eighteen to work as a 22793
bingo game operator; 22794

(8) Permit any person whom the charitable organization knows, 22795
or should have known, has been convicted of a felony or gambling 22796
offense in any jurisdiction to be a bingo game operator; 22797

(9) Permit the lessor of the premises on which the bingo 22798
session is conducted, if the lessor is not a charitable 22799
organization, to provide the charitable organization with bingo 22800
game operators, security personnel, concessions, bingo supplies, 22801
or any other type of service or equipment; 22802

(10) Purchase or lease bingo supplies from any person except 22803
a distributor issued a license under section 2915.081 of the 22804
Revised Code; 22805

(11)(a) Use or permit the use of electronic bingo aids except 22806
under the following circumstances: 22807

- (i) For any single participant, not more than ninety bingo faces can be played using an electronic bingo aid or aids. 22808
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- (ii) The charitable organization shall provide a participant using an electronic bingo aid with corresponding paper bingo cards or sheets. 22810
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- (iii) The total price of bingo faces played with an electronic bingo aid shall be equal to the total price of the same number of bingo faces played with a paper bingo card or sheet sold at the same bingo session but without an electronic bingo aid. 22813
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- (iv) An electronic bingo aid cannot be part of an electronic network other than a network that includes only bingo aids and devices that are located on the premises at which the bingo is being conducted or be interactive with any device not located on the premises at which the bingo is being conducted. 22817
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- (v) An electronic bingo aid cannot be used to participate in bingo that is conducted at a location other than the location at which the bingo session is conducted and at which the electronic bingo aid is used. 22822
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- (vi) An electronic bingo aid cannot be used to provide for the input of numbers and letters announced by a bingo caller other than the bingo caller who physically calls the numbers and letters at the location at which the bingo session is conducted and at which the electronic bingo aid is used. 22826
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- (b) The attorney general may adopt rules in accordance with Chapter 119. of the Revised Code that govern the use of electronic bingo aids. The rules may include a requirement that an electronic bingo aid be capable of being audited by the attorney general to verify the number of bingo cards or sheets played during each bingo session. 22831
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- (12) Permit any person the charitable organization knows, or 22837

should have known, to be under eighteen years of age to play bingo 22838
described in division (S)(1) of section 2915.01 of the Revised 22839
Code. 22840

(D)(1) Except as otherwise provided in ~~this~~ division (D)(3) 22841
of this section, no charitable organization shall provide to a 22842
bingo game operator, and no bingo game operator shall receive or 22843
accept, any commission, wage, salary, reward, tip, donation, 22844
gratuity, or other form of compensation, directly or indirectly, 22845
regardless of the source, for conducting bingo or providing other 22846
work or labor at the site of bingo during a bingo session. ~~This~~ 22847

(2) Except as otherwise provided in division (D)(3) of this 22848
section, no charitable organization shall provide to a bingo game 22849
operator any commission, wage, salary, reward, tip, donation, 22850
gratuity, or other form of compensation, directly or indirectly, 22851
regardless of the source, for conducting instant bingo other than 22852
at a bingo session at the site of instant bingo other than at a 22853
bingo session. 22854

(3) Nothing in division ~~does not prohibit~~ (D) of this section 22855
prohibits an employee of a fraternal organization ~~or~~, veteran's 22856
organization, or sporting organization from selling instant bingo 22857
tickets or cards to the organization's members or invited guests, 22858
as long as no portion of the employee's compensation is paid from 22859
any receipts of bingo. 22860

(E) Notwithstanding division (B)(1) of this section, a 22861
charitable organization that, prior to December 6, 1977, has 22862
entered into written agreements for the lease of premises it owns 22863
to another charitable organization or other charitable 22864
organizations for the conducting of bingo sessions so that more 22865
than two bingo sessions are conducted per calendar week on the 22866
premises, and a person that is not a charitable organization and 22867
that, prior to December 6, 1977, has entered into written 22868
agreements for the lease of premises it owns to charitable 22869

organizations for the conducting of more than two bingo sessions 22870
per calendar week on the premises, may continue to lease the 22871
premises to those charitable organizations, provided that no more 22872
than four sessions are conducted per calendar week, that the 22873
lessor organization or person has notified the attorney general in 22874
writing of the organizations that will conduct the sessions and 22875
the days of the week and the times of the day on which the 22876
sessions will be conducted, that the initial lease entered into 22877
with each organization that will conduct the sessions was filed 22878
with the attorney general prior to December 6, 1977, and that each 22879
organization that will conduct the sessions was issued a license 22880
to conduct bingo games by the attorney general prior to December 22881
6, 1977. 22882

(F) This section does not prohibit a bingo licensed 22883
charitable organization or a game operator from giving any person 22884
an instant bingo ticket as a prize. 22885

(G) Whoever violates division (A)(2) of this section is 22886
guilty of illegally conducting a bingo game, a felony of the 22887
fourth degree. Except as otherwise provided in this division, 22888
whoever violates division (A)(1) or (3), (B)(1), (2), or (3), 22889
(C)(1) to (12), or (D) of this section is guilty of a minor 22890
misdemeanor. If the offender previously has been convicted of a 22891
violation of division (A)(1) or (3), (B)(1), (2), or (3), (C)(1) 22892
to (11), or, (D) of this section, a violation of division (A)(1) 22893
or (3), (B)(1), (2), or (3), (C), or (D) of this section is a 22894
misdemeanor of the first degree. Whoever violates division (C)(12) 22895
of this section is guilty of a misdemeanor of the first degree, if 22896
the offender previously has been convicted of a violation of 22897
division (C)(12) of this section, a felony of the fourth degree. 22898

Sec. 2915.091. (A) No charitable organization that conducts 22899
instant bingo shall do any of the following: 22900

(1) Fail to comply with the requirements of divisions (A)(1), 22901
(2), and (3) of section 2915.09 of the Revised Code; 22902

(2) Conduct instant bingo unless either of the following 22903
apply: 22904

(a) That organization is, and has received from the internal 22905
revenue service a determination letter that is currently in effect 22906
stating that the organization is, exempt from federal income 22907
taxation under subsection 501(a), is described in subsection 22908
501(c)(3) of the Internal Revenue Code, is a charitable 22909
organization as defined in section 2915.01 of the Revised Code, is 22910
in good standing in the state pursuant to section 2915.08 of the 22911
Revised Code, and is in compliance with Chapter 1716. of the 22912
Revised Code; 22913

(b) That organization is, and has received from the internal 22914
revenue service a determination letter that is currently in effect 22915
stating that the organization is, exempt from federal income 22916
taxation under subsection 501(a), is described in subsection 22917
501(c)(7), 501(c)(8), 501(c)(10), or 501(c)(19) or is a veteran's 22918
organization described in subsection 501(c)(4) of the Internal 22919
Revenue Code, and conducts instant bingo under section 2915.13 of 22920
the Revised Code. 22921

(3) Conduct instant bingo on any day, at any time, or at any 22922
premises not specified on the organization's license issued 22923
pursuant to section 2915.08 of the Revised Code; 22924

(4) Permit any person whom the organization knows or should 22925
have known has been convicted of a felony or gambling offense in 22926
any jurisdiction to be a bingo game operator in the conduct of 22927
instant bingo; 22928

(5) Purchase or lease supplies used to conduct instant bingo 22929
or punch board games from any person except a distributor licensed 22930
under section 2915.081 of the Revised Code; 22931

- (6) Sell or provide any instant bingo ticket or card for a price different from the price printed on it by the manufacturer on either the instant bingo ticket or card or on the game flare;
- (7) Sell an instant bingo ticket or card to a person under eighteen years of age;
- (8) Fail to keep unsold instant bingo tickets or cards for less than three years;
- (9) Pay any compensation to a bingo game operator for conducting instant bingo that is conducted by the organization or for preparing, selling, or serving food or beverages at the site of the instant bingo game, permit any auxiliary unit or society of the organization to pay compensation to any bingo game operator who prepares, sells, or serves food or beverages at an instant bingo game conducted by the organization, or permit any auxiliary unit or society of the organization to prepare, sell, or serve food or beverages at an instant bingo game conducted by the organization, if the auxiliary unit or society pays any compensation to the bingo game operators who prepare, sell, or serve the food or beverages;
- (10) Pay fees to any person for any services performed in relation to an instant bingo game;
- (11) Pay fees to any person who provides refreshments to the participants in an instant bingo game;
- (12)(a) Allow instant bingo tickets or cards to be sold to bingo game operators ~~who are performing work or labor~~ at a premises at which the organization sells instant bingo tickets or cards or to be sold to employees of a D permit holder who are working at a premises at which instant bingo tickets or cards are sold ~~on behalf of the organization as described in division (B) of section 4301.03 of the Revised Code;~~

(b) Division (A)(12)(a) of this section does not prohibit a licensed charitable organization or a bingo game operator from giving any person an instant bingo tickets as a prize.

(13) Fail to display its bingo license, and the serial numbers of the deal of instant bingo tickets or cards to be sold, conspicuously at each premises at which it sells instant bingo tickets or cards;

(14) Possess a deal of instant bingo tickets or cards that was not purchased from a distributor licensed under section 2915.081 of the Revised Code as reflected on an invoice issued by the distributor that contains all of the information required by division (E) of section 2915.10 of the Revised Code;

(15) Fail, once it opens a deal of instant bingo tickets or cards, to continue to sell the tickets or cards in that deal until the tickets or cards with the top two highest tiers of prizes in that deal are sold;

(16) Purchase, lease, or use instant bingo ticket dispensers to sell instant bingo tickets or cards;

(17) Possess bingo supplies that were not obtained in accordance with sections 2915.01 to 2915.13 of the Revised Code.

(B) A charitable organization may conduct instant bingo other than at a bingo session at not more than five separate locations. A charitable organization that is exempt from federal taxation under subsection 501(a) and described in subsection 501(c)(3) of the Internal Revenue Code and that is created by a veteran's organization or a fraternal organization is not limited in the number of separate locations the charitable organization may conduct instant bingo other than at a bingo session.

(C) The attorney general may adopt rules in accordance with Chapter 119. of the Revised Code that govern the conduct of

instant bingo by charitable organizations. Before those rules are 22992
adopted, the attorney general shall reference the recommended 22993
standards for opacity, randomization, minimum information, winner 22994
protection, color, and cutting for instant bingo tickets or cards, 22995
seal cards, and punch boards established by the North American 22996
gaming regulators association. 22997

(D) Whoever violates division (A) of this section or a rule 22998
adopted under division ~~(B)~~(C) of this section is guilty of illegal 22999
instant bingo conduct. Except as otherwise provided in this 23000
division, illegal instant bingo conduct is a misdemeanor of the 23001
first degree. If the offender previously has been convicted of a 23002
violation of division (A) of this section or of such a rule, 23003
illegal instant bingo conduct is a felony of the fifth degree. 23004

Sec. 2915.092. (A) A charitable organization, a public 23005
school, a chartered nonpublic school, a community school, or a 23006
sporting organization that is exempt from federal income taxation 23007
under subsection 501(a) and is described in subsection 501(c)(3), 23008
501(c)(4), or 501(c)(7) of the Internal Revenue Code may conduct a 23009
raffle to raise money for the charitable organization or school 23010
and does not need a license to conduct bingo in order to conduct a 23011
raffle drawing that is not for profit. 23012

~~(B)(1) No charitable organization shall conduct a raffle 23013~~
~~unless the organization is, and has received from the internal 23014~~
~~revenue service a determination letter that is currently in effect 23015~~
~~stating that the organization is, exempt from federal income 23016~~
~~taxation under subsection 501(a) and is described in subsection 23017~~
~~501(c)(3) of the Internal Revenue Code.~~ 23018

~~(2) No charitable organization shall conduct more than 23019~~
~~thirty six raffles during a calendar year.~~ 23020

~~(3) No person shall be compensated directly or indirectly for 23021~~
~~assisting in the conduct or operation of a raffle. Except as 23022~~

provided in division (A) of this section, no person shall conduct 23023
a raffle drawing that is for profit or a raffle drawing that is 23024
not for profit. 23025

~~(C) No raffle drawing shall be conducted on premises other~~ 23026
~~than premises that a charitable organization uses for its~~ 23027
~~charitable programs.~~ 23028

~~(D) No person shall fail to use, or give, donate, or~~ 23029
~~otherwise transfer, the net profit from a raffle for a charitable~~ 23030
~~purpose described in division (Z) of section 2915.01 of the~~ 23031
~~Revised Code.~~ 23032

~~(E) Whoever violates division (B), (C), or (D) of this~~ 23033
section is guilty of illegal conduct of a raffle. Except as 23034
otherwise provided in this division, illegal conduct of a raffle 23035
is a misdemeanor of the first degree. If the offender previously 23036
has been convicted of a violation of division (B), (C), or (D) of 23037
this section, illegal conduct of a raffle is a felony of the fifth 23038
degree. 23039

Sec. 2915.093. (A) As used in this section, "retail income 23040
from all commercial activity" includes the sale of instant bingo 23041
tickets. 23042

(B) A charitable instant bingo organization may conduct 23043
instant bingo other than at a bingo session at not more than five 23044
separate locations. 23045

(C)(1) If a charitable instant bingo organization conducts 23046
instant bingo other than at a bingo session, the charitable 23047
instant bingo organization shall enter into a written contract 23048
with the owner or lessor of the location at which the instant 23049
bingo is conducted to allow the owner or lessor to assist in the 23050
conduct of instant bingo other than at a bingo session, identify 23051
each location where the instant bingo other than at a bingo 23052

session is being conducted, and identify the owner or lessor of 23053
each location. 23054

(2) A charitable instant bingo organization that conducts 23055
instant bingo other than at a bingo session is not required to 23056
enter into a written contract with the owner or lessor of the 23057
location at which the instant bingo is conducted provided that the 23058
owner or lessor is not assisting in the conduct of the instant 23059
bingo other than at a bingo session and provided that the conduct 23060
of the instant bingo other than at a bingo session at that 23061
location is not more than five days per calendar year and not more 23062
than ten hours per day. 23063

(D) ~~No~~ Except as provided in division (G) of this section, no 23064
charitable instant bingo organization shall conduct instant bingo 23065
other than at a bingo session at a location where the primary 23066
source of retail income from all commercial activity at that 23067
location is the sale of instant bingo tickets. 23068

(E) The owner or lessor of a location that enters into a 23069
contract pursuant to division (C) of this section shall pay up 23070
front for the cost of the deal of instant bingo tickets and the 23071
gross profits that would be earned by the owner or lessor if all 23072
of the instant bingo tickets are sold. The owner or lessor may 23073
retain the money that the owner or lessor receives for selling the 23074
instant bingo tickets up to the amount that it paid to the 23075
charitable instant bingo organization. If the owner or lessor of 23076
the location earns any more money than the owner or lessor paid 23077
out in prizes or paid up front, the owner or lessor of the 23078
location shall pay that money to the charitable instant bingo 23079
organization. 23080

(F) A charitable instant bingo organization shall provide the 23081
attorney general with all of the following information: 23082

(1) That the charitable instant bingo organization has 23083

terminated a contract entered into pursuant to division (C) of 23084
this section with an owner or lessor of a location; 23085

(2) That the charitable instant bingo organization has 23086
entered into a written contract pursuant to division (C) of this 23087
section with a new owner or lessor of a location; 23088

(3) That the charitable instant bingo organization is aware 23089
of conduct by the owner or lessor of a location at which instant 23090
bingo is conducted that is in violation of Chapter 2915. of the 23091
Revised Code. 23092

(G) Division (D) of this section does not apply to a 23093
volunteer firefighter's organization that is exempt from federal 23094
income taxation under subsection 501(a) and described in 23095
subsection 501(c)(3) of the Internal Revenue Code, that conducts 23096
instant bingo other than at a bingo session on the premises where 23097
the organization conducts firefighter training, that has conducted 23098
instant bingo continuously for at least five years prior to the 23099
effective date of this amendment, and that, during each of those 23100
five years, had gross receipts of at least one million five 23101
hundred thousand dollars. 23102

Sec. 2915.095. The attorney general, by rule adopted pursuant 23103
to section 111.15 of the Revised Code, shall establish a standard 23104
contract to be used by a charitable instant bingo organization, a 23105
veteran's organization, ~~or~~ a fraternal organization, or a 23106
sporting organization for the conduct of instant bingo other than 23107
at a bingo session. The terms of the contract shall be limited to 23108
the provisions in Chapter 2915. of the Revised Code. 23109

Sec. 2915.10. (A) No charitable organization that conducts 23110
bingo or a game of chance pursuant to division (D) of section 23111
2915.02 of the Revised Code shall fail to maintain the following 23112
records for at least three years from the date on which the bingo 23113

or game of chance is conducted:	23114
(1) An itemized list of the gross receipts of each bingo session, each game of instant bingo by serial number, each raffle, each punch board game, and each game of chance, <u>and an itemized list of the gross profits of each game of instant bingo by serial number;</u>	23115 23116 23117 23118 23119
(2) An itemized list of all expenses, other than prizes, that are incurred in conducting bingo or instant bingo, the name of each person to whom the expenses are paid, and a receipt for all of the expenses;	23120 23121 23122 23123
(3) A list of all prizes awarded during each bingo session, each raffle, each punch board game, and each game of chance conducted by the charitable organization, the total prizes awarded from each game of instant bingo by serial number, and the name, address, and social security number of all persons who are winners of prizes of six hundred dollars or more in value;	23124 23125 23126 23127 23128 23129
(4) An itemized list of the recipients of the net profit of the bingo or game of chance, including the name and address of each recipient to whom the money is distributed, and if the organization uses the net profit of bingo, or the money or assets received from a game of chance, for any charitable or other purpose set forth in division (Z) of section 2915.01, division (D) of section 2915.02, or section 2915.101 of the Revised Code, a list of each purpose and an itemized list of each expenditure for each purpose;	23130 23131 23132 23133 23134 23135 23136 23137 23138
(5) The number of persons who participate in any bingo session or game of chance that is conducted by the charitable organization;	23139 23140 23141
(6) A list of receipts from the sale of food and beverages by the charitable organization or one of its auxiliary units or societies, if the receipts were excluded from gross receipts under	23142 23143 23144

division (X) of section 2915.01 of the Revised Code;	23145
(7) An itemized list of all expenses incurred at each bingo session, each raffle, each punch board game, or each game of instant bingo conducted by the charitable organization in the sale of food and beverages by the charitable organization or by an auxiliary unit or society of the charitable organization, the name of each person to whom the expenses are paid, and a receipt for all of the expenses.	23146 23147 23148 23149 23150 23151 23152
(B) A charitable organization shall keep the records that it is required to maintain pursuant to division (A) of this section at its principal place of business in this state or at its headquarters in this state and shall notify the attorney general of the location at which those records are kept.	23153 23154 23155 23156 23157
(C) The gross profit from each bingo session or game described in division (S)(1) or (2) of section 2915.01 of the Revised Code shall be deposited into a checking account devoted exclusively to the bingo session or game. Payments for allowable expenses incurred in conducting the bingo session or game and payments to recipients of some or all of the net profit of the bingo session or game shall be made only by checks drawn on the bingo session or game account.	23158 23159 23160 23161 23162 23163 23164 23165
(D) Each charitable organization shall conduct and record an inventory of all of its bingo supplies as of the first day of November of each year.	23166 23167 23168
(E) The attorney general may adopt rules in accordance with Chapter 119. of the Revised Code that establish standards of accounting, record keeping, and reporting to ensure that gross receipts from bingo or games of chance are properly accounted for.	23169 23170 23171 23172
(F) A distributor shall maintain, for a period of three years after the date of its sale or other provision, a record of each instance of its selling or otherwise providing to another person	23173 23174 23175

bingo supplies for use in this state. The record shall include all	23176
of the following for each instance:	23177
(1) The name of the manufacturer from which the distributor	23178
purchased the bingo supplies and the date of the purchase;	23179
(2) The name and address of the charitable organization or	23180
other distributor to which the bingo supplies were sold or	23181
otherwise provided;	23182
(3) A description that clearly identifies the bingo supplies;	23183
(4) Invoices that include the nonrepeating serial numbers of	23184
all paper bingo cards and sheets and all instant bingo deals sold	23185
or otherwise provided to each charitable organization.	23186
(G) A manufacturer shall maintain, for a period of three	23187
years after the date of its sale or other provision, a record of	23188
each instance of its selling or otherwise providing bingo supplies	23189
for use in this state. The record shall include all of the	23190
following for each instance:	23191
(1) The name and address of the distributor to whom the bingo	23192
supplies were sold or otherwise provided;	23193
(2) A description that clearly identifies the bingo supplies,	23194
including serial numbers;	23195
(3) Invoices that include the nonrepeating serial numbers of	23196
all paper bingo cards and sheets and all instant bingo deals sold	23197
or otherwise provided to each distributor.	23198
(H) The attorney general or any law enforcement agency may do	23199
all of the following:	23200
(1) Investigate any charitable organization or any officer,	23201
agent, trustee, member, or employee of the organization;	23202
(2) Examine the accounts and records of the organization;	23203
(3) Conduct inspections, audits, and observations of bingo or	23204

games of chance;	23205
(4) Conduct inspections of the premises where bingo or games of chance are conducted;	23206 23207
(5) Take any other necessary and reasonable action to determine if a violation of any provision of sections 2915.01 to 2915.13 of the Revised Code has occurred and to determine whether section 2915.11 of the Revised Code has been complied with.	23208 23209 23210 23211
If any law enforcement agency has reasonable grounds to believe that a charitable organization or an officer, agent, trustee, member, or employee of the organization has violated any provision of this chapter, the law enforcement agency may proceed by action in the proper court to enforce this chapter, provided that the law enforcement agency shall give written notice to the attorney general when commencing an action as described in this division.	23212 23213 23214 23215 23216 23217 23218 23219
(I) No person shall destroy, alter, conceal, withhold, or deny access to any accounts or records of a charitable organization that have been requested for examination, or obstruct, impede, or interfere with any inspection, audit, or observation of bingo or a game of chance or premises where bingo or a game of chance is conducted, or refuse to comply with any reasonable request of, or obstruct, impede, or interfere with any other reasonable action undertaken by, the attorney general or a law enforcement agency pursuant to division (H) of this section.	23220 23221 23222 23223 23224 23225 23226 23227 23228
(J) Whoever violates division (A) or (I) of this section is guilty of a misdemeanor of the first degree.	23229 23230
Sec. 2915.101. Except as otherwise provided by law, a charitable organization that conducts instant bingo shall distribute the net profit from the proceeds of the sale of instant bingo as follows:	23231 23232 23233 23234

(A)(1) If a veteran's organization ~~or~~, a fraternal organization, or a sporting organization conducted the instant bingo, the organization shall distribute the net profit from the proceeds of the sale of instant bingo, as follows:

(a) A minimum of fifty per cent shall be distributed to an organization described in division (Z)(1) of section 2915.01 of the Revised Code or to a department or agency of the federal government, the state, or any political subdivision;

(b) ~~Fifteen~~ Five per cent may be distributed for the organization's own charitable purposes.

(c) ~~Thirty-five~~ Forty-five per cent may be deducted and retained by the organization for the organization's expenses in conducting the instant bingo game.

(2) If a veteran's organization ~~or~~, a fraternal organization, or a sporting organization does not distribute the full percentages specified in divisions (A)(1)(b) and (c) of this section for the purposes specified in those divisions, the organization shall distribute the balance of the net profit from the proceeds of the sale of instant bingo not distributed or retained for those purposes to an organization described in division (Z)(1) of section 2915.01 of the Revised Code.

(3) ~~A veteran's organization or a fraternal organization is not required to itemize the organization's expenses. A veteran's organization, a fraternal organization, or a sporting organization shall pay the expenses that are directly for the conduct of instant bingo by check from the checking account devoted exclusively to the bingo session or game and may deduct and retain the remainder of the thirty-five per cent of the net profit from the proceeds of the sale of instant bingo that is for the organization's expenses in conducting the instant bingo game and may transfer that remainder into the organization's general~~

account. 23266

(B)(1) If a charitable organization other than a veteran's 23267
organization ~~or~~, a fraternal organization, or a sporting 23268
organization conducted the instant bingo, the organization shall 23269
distribute one hundred per cent of the net profit ~~as follows:~~ 23270

~~(a) A minimum of seventy per cent shall be distributed from~~ 23271
~~the proceeds of the sale of instant bingo~~ to an organization 23272
described in division (Z)(1) of section 2915.01 of the Revised 23273
Code or to a department or agency of the federal government, the 23274
state, or any political subdivision. 23275

~~(b) Thirty per cent may be deducted and retained by the~~ 23276
~~organization for the organization's expenses in conducting the~~ 23277
~~instant bingo game.~~ 23278

~~(2) If a charitable organization does not retain the full~~ 23279
~~percentage specified in division (B)(1)(b) of this section for the~~ 23280
~~purposes specified in that division, the organization shall~~ 23281
~~distribute the balance of the net profit not retained for that~~ 23282
~~purpose to an organization described in division (Z)(1) of section~~ 23283
~~2915.01 of the Revised Code.~~ 23284

~~(3) A charitable organization other than a veteran's~~ 23285
~~organization or fraternal organization is not required to itemize~~ 23286
~~the charitable organization's expenses.~~ 23287

Sec. 2915.13. (A) A veteran's organization ~~or~~, a fraternal 23289
organization, or a sporting organization authorized to conduct a 23290
bingo session pursuant to sections 2915.01 to 2915.12 of the 23291
Revised Code may conduct instant bingo other than at a bingo 23292
session if all of the following apply: 23293

(1) The veteran's organization ~~or~~, fraternal organization, or 23294
sporting organization limits the sale of instant bingo to ten 23295
consecutive hours per day for up to six days per week. 23296

(2) The veteran's organization ~~or~~, fraternal organization, or
sporting organization limits the sale of instant bingo to its own
premises and to its own members and invited guests.

(3) The veteran's organization ~~or~~, fraternal organization, or
sporting organization is raising money for a ~~charitable an~~
organization that is described in subsection 509(a)(1), 509(a)(2),
or 509(a)(3) of the Internal Revenue Code and is either a
governmental unit or an organization that maintains its principal
place of business in this state, that is exempt from federal
income taxation under subsection 501(a) and described in
subsection 501(c)(3) of the Internal Revenue Code, and that is in
good standing in this state and executes a written contract with
~~the charitable that~~ organization as required in division (B) of
this section.

(B) If a veteran's organization ~~or~~, fraternal organization,
or sporting organization authorized to conduct instant bingo
pursuant to division (A) of this section is raising money for
another ~~charitable~~ organization that is described in subsection
509(a)(1), 509(a)(2), or 509(a)(3) of the Internal Revenue Code
and is either a governmental unit or an organization that
maintains its principal place of business in this state, that is
exempt from federal income taxation under subsection 501(a) and
described in subsection 501(c)(3) of the Internal Revenue Code,
and that is in good standing in this state, the veteran's
organization ~~or~~, fraternal organization, or sporting organization
shall execute a written contract with a ~~charitable the~~
organization that is described in subsection 509(a)(1), 509(a)(2),
or 509(a)(3) of the Internal Revenue Code and is either a
governmental unit or an organization that maintains its principal
place of business in this state, that is exempt from federal
income taxation under subsection 501(a) and described in
subsection 501(c)(3) of the Internal Revenue Code, and that is in

good standing in this state in order to conduct instant bingo. 23329

That contract shall include a statement of the percentage of the 23330
net proceeds that the veteran's ~~or~~, fraternal, or sporting 23331
organization will be distributing to the ~~charitable~~ organization 23332
that is described in subsection 509(a)(1), 509(a)(2), or 509(a)(3) 23333
of the Internal Revenue Code and is either a governmental unit or 23334
an organization that maintains its principal place of business in 23335
this state, that is exempt from federal income taxation under 23336
subsection 501(a) and described in subsection 501(c)(3) of the 23337
Internal Revenue Code, and that is in good standing in this state. 23338

(C)(1) If a veteran's organization ~~or~~, fraternal 23339
organization, or sporting organization authorized to conduct 23340
instant bingo pursuant to division (A) of this section has been 23341
issued a liquor permit under Chapter 4303. of the Revised Code, 23342
that permit may be subject to suspension, revocation, or 23343
cancellation if the veteran's organization ~~or~~, fraternal 23344
organization, or sporting organization violates a provision of 23345
sections 2915.01 to 2915.13 of the Revised Code. 23346

(2) No veteran's organization ~~or~~, fraternal organization, or 23347
sporting organization that enters into a written contract pursuant 23348
to division (B) of this section shall violate any provision of 23349
Chapter 2915. of the Revised Code, or permit, aid, or abet any 23350
other person in violating any provision of Chapter 2915. of the 23351
Revised Code. 23352

(D) A veteran's organization ~~or~~, fraternal organization, or 23353
sporting organization shall give all required proceeds earned from 23354
the conduct of instant bingo to the ~~charitable~~ organization with 23355
which the veteran's organization ~~or~~, fraternal organization, or 23356
sporting organization has entered into a written contract. 23357

(E) Whoever violates this section is guilty of illegal 23358
instant bingo conduct. Except as otherwise provided in this 23359
division, illegal instant bingo conduct is a misdemeanor of the 23360

first degree. If the offender previously has been convicted of a 23361
violation of this section, illegal instant bingo conduct is a 23362
felony of the fifth degree. 23363

Sec. 2917.41. (A) No person shall evade the payment of the 23364
known fares of a public transportation system. 23365

(B) No person shall alter any transfer, pass, ticket, or 23366
token of a public transportation system with the purpose of 23367
evading the payment of fares or of defrauding the system. 23368

(C) No person shall do any of the following while in any 23369
facility or on any vehicle of a public transportation system: 23370

(1) Play sound equipment without the proper use of a private 23371
earphone; 23372

(2) Smoke, eat, or drink in any area where the activity is 23373
clearly marked as being prohibited; 23374

(3) Expectorate upon a person, facility, or vehicle. 23375

(D) No person shall write, deface, draw, or otherwise mark on 23376
any facility or vehicle of a public transportation system. 23377

(E) No person shall fail to comply with a lawful order of a 23378
public transportation system police officer, and no person shall 23379
resist, obstruct, or abuse a public transportation police officer 23380
in the performance of the officer's duties. 23381

(F) Whoever violates this section is guilty of misconduct 23382
involving a public transportation system. 23383

(1) Violation of division (A), (B), or (E) of this section is 23384
a misdemeanor of the fourth degree. 23385

(2) Violation of division ~~(B)~~ of this section is a 23386
~~misdemeanor of the fourth degree.~~ 23387

~~(3) Violation of division (C) or (E) of this section is a~~ 23388
minor misdemeanor on a first offense. If a person previously has 23389

been convicted of or pleaded guilty to a violation of any division 23390
of this section or of a municipal ordinance that is substantially 23391
similar to any division of this section, violation of division (C) 23392
of this section is a misdemeanor of the fourth degree. 23393

~~(4)~~(3) Violation of division (D) of this section is a 23394
misdemeanor of the third degree. 23395

(G) Notwithstanding any other provision of law, seventy-five 23396
per cent of each fine paid to satisfy a sentence imposed for a 23397
violation of this section shall be deposited into the treasury of 23398
the county in which the violation occurred and twenty-five per 23399
cent shall be deposited with the county transit board, regional 23400
transit authority, or regional transit commission that operates 23401
the public transportation system involved in the violation, unless 23402
the board of county commissioners operates the public 23403
transportation system, in which case one hundred per cent of each 23404
fine shall be deposited into the treasury of the county. 23405

(H) As used in this section, "public transportation system" 23406
means a county transit system operated in accordance with sections 23407
306.01 to 306.13 of the Revised Code, a regional transit authority 23408
operated in accordance with sections 306.30 to 306.71 of the 23409
Revised Code, or a regional transit commission operated in 23410
accordance with sections 306.80 to 306.90 of the Revised Code. 23411

Sec. 2921.13. (A) No person shall knowingly make a false 23412
statement, or knowingly swear or affirm the truth of a false 23413
statement previously made, when any of the following applies: 23414

(1) The statement is made in any official proceeding. 23415

(2) The statement is made with purpose to incriminate 23416
another. 23417

(3) The statement is made with purpose to mislead a public 23418
official in performing the public official's official function. 23419

- (4) The statement is made with purpose to secure the payment of unemployment compensation; Ohio works first; prevention, retention, and contingency benefits and services; disability financial assistance; retirement benefits; economic development assistance, as defined in section 9.66 of the Revised Code; or other benefits administered by a governmental agency or paid out of a public treasury. 23420
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- (5) The statement is made with purpose to secure the issuance by a governmental agency of a license, permit, authorization, certificate, registration, release, or provider agreement. 23427
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- (6) The statement is sworn or affirmed before a notary public or another person empowered to administer oaths. 23430
23431
- (7) The statement is in writing on or in connection with a report or return that is required or authorized by law. 23432
23433
- (8) The statement is in writing and is made with purpose to induce another to extend credit to or employ the offender, to confer any degree, diploma, certificate of attainment, award of excellence, or honor on the offender, or to extend to or bestow upon the offender any other valuable benefit or distinction, when the person to whom the statement is directed relies upon it to that person's detriment. 23434
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- (9) The statement is made with purpose to commit or facilitate the commission of a theft offense. 23441
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- (10) The statement is knowingly made to a probate court in connection with any action, proceeding, or other matter within its jurisdiction, either orally or in a written document, including, but not limited to, an application, petition, complaint, or other pleading, or an inventory, account, or report. 23443
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- (11) The statement is made on an account, form, record, stamp, label, or other writing that is required by law. 23448
23449

(12) The statement is made in connection with the purchase of a firearm, as defined in section 2923.11 of the Revised Code, and in conjunction with the furnishing to the seller of the firearm of a fictitious or altered driver's or commercial driver's license or permit, a fictitious or altered identification card, or any other document that contains false information about the purchaser's identity.

(13) The statement is made in a document or instrument of writing that purports to be a judgment, lien, or claim of indebtedness and is filed or recorded with the secretary of state, a county recorder, or the clerk of a court of record.

(B) No person, in connection with the purchase of a firearm, as defined in section 2923.11 of the Revised Code, shall knowingly furnish to the seller of the firearm a fictitious or altered driver's or commercial driver's license or permit, a fictitious or altered identification card, or any other document that contains false information about the purchaser's identity.

(C) It is no defense to a charge under division (A)(4) of this section that the oath or affirmation was administered or taken in an irregular manner.

(D) If contradictory statements relating to the same fact are made by the offender within the period of the statute of limitations for falsification, it is not necessary for the prosecution to prove which statement was false but only that one or the other was false.

(E)(1) Whoever violates division (A)(1), (2), (3), (4), (5), (6), (7), (8), (10), (11), or (13) of this section is guilty of falsification, a misdemeanor of the first degree.

(2) Whoever violates division (A)(9) of this section is guilty of falsification in a theft offense. Except as otherwise provided in this division, falsification in a theft offense is a

misdemeanor of the first degree. If the value of the property or 23481
services stolen is five hundred dollars or more and is less than 23482
five thousand dollars, falsification in a theft offense is a 23483
felony of the fifth degree. If the value of the property or 23484
services stolen is five thousand dollars or more and is less than 23485
one hundred thousand dollars, falsification in a theft offense is 23486
a felony of the fourth degree. If the value of the property or 23487
services stolen is one hundred thousand dollars or more, 23488
falsification in a theft offense is a felony of the third degree. 23489

(3) Whoever violates division (A)(12) or (B) of this section 23490
is guilty of falsification to purchase a firearm, a felony of the 23491
fifth degree. 23492

(F) A person who violates this section is liable in a civil 23493
action to any person harmed by the violation for injury, death, or 23494
loss to person or property incurred as a result of the commission 23495
of the offense and for reasonable attorney's fees, court costs, 23496
and other expenses incurred as a result of prosecuting the civil 23497
action commenced under this division. A civil action under this 23498
division is not the exclusive remedy of a person who incurs 23499
injury, death, or loss to person or property as a result of a 23500
violation of this section. 23501

Sec. 2923.35. (A)(1) With respect to property ordered 23502
forfeited under section 2923.32 of the Revised Code, with respect 23503
to any fine or civil penalty imposed in any criminal or civil 23504
proceeding under section 2923.32 or 2923.34 of the Revised Code, 23505
and with respect to any fine imposed for a violation of section 23506
2923.01 of the Revised Code for conspiracy to violate section 23507
2923.32 of the Revised Code, the court, upon petition of the 23508
prosecuting attorney, may do any of the following: 23509

(a) Authorize the prosecuting attorney to settle claims; 23510

(b) Award compensation to persons who provide information 23511

that results in a forfeiture, fine, or civil penalty under section 23512
2923.32 or 2923.34 of the Revised Code; 23513

(c) Grant petitions for mitigation or remission of 23514
forfeiture, fines, or civil penalties, or restore forfeited 23515
property, imposed fines, or imposed civil penalties to persons 23516
injured by the violation; 23517

(d) Take any other action to protect the rights of innocent 23518
persons that is in the interest of justice and that is consistent 23519
with the purposes of sections 2923.31 to 2923.36 of the Revised 23520
Code. 23521

(2) The court shall maintain an accurate record of the 23522
actions it takes under division (A)(1) of this section with 23523
respect to the property ordered forfeited or the fine or civil 23524
penalty. The record is a public record open for inspection under 23525
section 149.43 of the Revised Code. 23526

(B)(1) After the application of division (A) of this section, 23527
any person who prevails in a civil action pursuant to section 23528
2923.34 of the Revised Code has a right to any property, or the 23529
proceeds of any property, criminally forfeited to the state 23530
pursuant to section 2923.32 of the Revised Code or against which 23531
any fine under that section or civil penalty under division (I) of 23532
section 2923.34 of the Revised Code may be imposed. 23533

The right of any person who prevails in a civil action 23534
pursuant to section 2923.34 of the Revised Code, other than a 23535
prosecuting attorney performing official duties under that 23536
section, to forfeited property, property against which fines and 23537
civil penalties may be imposed, and the proceeds of that property 23538
is superior to any right of the state, a municipal corporation, or 23539
a county to the property or the proceeds of the property, if the 23540
civil action is brought within one hundred eighty days after the 23541
entry of a sentence of forfeiture or a fine pursuant to section 23542

2923.32 of the Revised Code or the entry of a civil penalty 23543
pursuant to division (I) of section 2923.34 of the Revised Code. 23544

The right is limited to the total value of the treble 23545
damages, civil penalties, attorney's fees, and costs awarded to 23546
the prevailing party in an action pursuant to section 2923.34 of 23547
the Revised Code, less any restitution received by the person. 23548

(2) If the aggregate amount of claims of persons who have 23549
prevailed in a civil action pursuant to section 2923.34 of the 23550
Revised Code against any one defendant is greater than the total 23551
value of the treble fines, civil penalties, and forfeited property 23552
paid by the person against whom the actions were brought, all of 23553
the persons who brought their actions within one hundred eighty 23554
days after the entry of a sentence or disposition of forfeiture or 23555
a fine pursuant to section 2923.32 of the Revised Code or the 23556
entry of a civil penalty pursuant to division (I) of section 23557
2923.34 of the Revised Code, first shall receive a pro rata share 23558
of the total amount of the fines, civil penalties, and forfeited 23559
property. After the persons who brought their actions within the 23560
specified one-hundred-eighty-day period have satisfied their 23561
claims out of the fines, civil penalties, and forfeited property, 23562
all other persons who prevailed in civil actions pursuant to 23563
section 2923.34 of the Revised Code shall receive a pro rata share 23564
of the total amount of the fines, civil penalties, and forfeited 23565
property that remains in the custody of the law enforcement agency 23566
or in the corrupt activity investigation and prosecution fund. 23567

(C)(1) Subject to divisions (A) and (B) of this section and 23568
notwithstanding any contrary provision of section 2933.41 of the 23569
Revised Code, the prosecuting attorney shall order the disposal of 23570
property ordered forfeited in any proceeding under sections 23571
2923.32 and 2923.34 of the Revised Code as soon as feasible, 23572
making due provisions for the rights of innocent persons, by any 23573
of the following methods: 23574

(a) Transfer to any person who prevails in a civil action	23575
pursuant to section 2923.34 of the Revised Code, subject to the	23576
limit set forth in division (B)(1) of this section;	23577
(b) Public sale;	23578
(c) Transfer to a state governmental agency for official use;	23579
(d) Sale or transfer to an innocent person;	23580
(e) If the property is contraband and is not needed for	23581
evidence in any pending criminal or civil proceeding, pursuant to	23582
section 2933.41 or any other applicable section of the Revised	23583
Code.	23584
(2) Any interest in personal or real property not disposed of	23585
pursuant to this division and not exercisable by, or transferable	23586
for value to, the state shall expire and shall not revert to the	23587
person found guilty of or adjudicated a delinquent child for a	23588
violation of section 2923.32 of the Revised Code. No person found	23589
guilty of or adjudicated a delinquent child for a violation of	23590
that section and no person acting in concert with a person found	23591
guilty of or adjudicated a delinquent child for a violation of	23592
that section is eligible to purchase forfeited property from the	23593
state.	23594
(3) Upon application of a person, other than the defendant,	23595
the adjudicated delinquent child, or a person acting in concert	23596
with or on behalf of either the defendant or the adjudicated	23597
delinquent child, the court may restrain or stay the disposal of	23598
the property pursuant to this division pending the conclusion of	23599
any appeal of the criminal case or delinquency case giving rise to	23600
the forfeiture or pending the determination of the validity of a	23601
claim to or interest in the property pursuant to division (E) of	23602
section 2923.32 of the Revised Code, if the applicant demonstrates	23603
that proceeding with the disposal of the property will result in	23604
irreparable injury, harm, or loss to the applicant.	23605

(4) The prosecuting attorney shall maintain an accurate 23606
record of each item of property disposed of pursuant to this 23607
division, which record shall include the date on which each item 23608
came into the prosecuting attorney's custody, the manner and date 23609
of disposition, and, if applicable, the name of the person who 23610
received the item. The record shall not identify or enable the 23611
identification of the individual officer who seized the property, 23612
and the record is a public record open for inspection under 23613
section 149.43 of the Revised Code. 23614

Each prosecuting attorney who disposes in any calendar year 23615
of any item of property pursuant to this division shall prepare a 23616
report covering the calendar year that cumulates all of the 23617
information contained in all of the records kept by the 23618
prosecuting attorney pursuant to this division for that calendar 23619
year and shall send the cumulative report, no later than the first 23620
day of March in the calendar year following the calendar year 23621
covered by the report, to the attorney general. Each report 23622
received by the attorney general is a public record open for 23623
inspection under section 149.43 of the Revised Code. Not later 23624
than the fifteenth day of April in the calendar year following the 23625
calendar year covered by the reports, the attorney general shall 23626
send to the president of the senate and the speaker of the house 23627
of representatives a written notification that does all of the 23628
following: 23629

(a) Indicates that the attorney general has received from 23630
prosecuting attorneys reports of the type described in this 23631
division that cover the previous calendar year and indicates that 23632
the reports were received under this division; 23633

(b) Indicates that the reports are open for inspection under 23634
section 149.43 of the Revised Code; 23635

(c) Indicates that the attorney general will provide a copy 23636

of any or all of the reports to the president of the senate or the speaker of the house of representatives upon request.

(D)(1)(a) Ten per cent of the proceeds of all property ordered forfeited by a juvenile court pursuant to section 2923.32 of the Revised Code shall be applied to one or more alcohol and drug addiction treatment programs that are certified by the department of alcohol and drug addiction services under section 3793.06 of the Revised Code and that are specified in the order of forfeiture. A juvenile court shall not specify an alcohol or drug addiction treatment program in the order of forfeiture unless the program is a certified alcohol and drug addiction treatment program and, except as provided in division (D)(1)(a) of this section, unless the program is located in the county in which the court that orders the forfeiture is located or in a contiguous county. If no certified alcohol and drug addiction treatment program is located in any of those counties, the juvenile court may specify in the order a certified alcohol and drug addiction treatment program located anywhere within this state. The remaining ninety per cent of the proceeds shall be disposed of as provided in divisions (D)(1)(b) and (D)(2) of this section.

All of the proceeds of all property ordered forfeited by a court other than a juvenile court pursuant to section 2923.32 of the Revised Code shall be disposed of as provided in divisions (D)(1)(b) and (D)(2) of this section.

(b) The remaining proceeds of all property ordered forfeited pursuant to section 2923.32 of the Revised Code, after compliance with division (D)(1)(a) of this section when that division is applicable, and all fines and civil penalties imposed pursuant to sections 2923.32 and 2923.34 of the Revised Code shall be deposited into the state treasury and credited to the corrupt activity investigation and prosecution fund, which is hereby created.

(2) The proceeds, fines, and penalties credited to the 23669
corrupt activity investigation and prosecution fund pursuant to 23670
division (D)(1) of this section shall be disposed of in the 23671
following order: 23672

(a) To a civil plaintiff in an action brought within the 23673
one-hundred-eighty-day time period specified in division (B)(1) of 23674
this section, subject to the limit set forth in that division; 23675

(b) To the payment of the fees and costs of the forfeiture 23676
and sale, including expenses of seizure, maintenance, and custody 23677
of the property pending its disposition, advertising, and court 23678
costs; 23679

(c) Except as otherwise provided in division (D)(2)(c) of 23680
this section, the remainder shall be paid to the law enforcement 23681
trust fund of the prosecuting attorney that is established 23682
pursuant to division (D)(1)(c) of section 2933.43 of the Revised 23683
Code and to the law enforcement trust fund of the county sheriff 23684
that is established pursuant to that division if the county 23685
sheriff substantially conducted the investigation, to the law 23686
enforcement trust fund of a municipal corporation that is 23687
established pursuant to that division if its police department 23688
substantially conducted the investigation, to the law enforcement 23689
trust fund of a township that is established pursuant to that 23690
division if the investigation was substantially conducted by a 23691
township police department, township police district police force, 23692
or office of a township constable, or to the law enforcement trust 23693
fund of a park district created pursuant to section 511.18 or 23694
1545.01 of the Revised Code that is established pursuant to that 23695
division if the investigation was substantially conducted by its 23696
park district police force or law enforcement department. The 23697
prosecuting attorney may decline to accept any of the remaining 23698
proceeds, fines, and penalties, and, if the prosecuting attorney 23699
so declines, they shall be applied to the fund described in 23700

division (D)(2)(c) of this section that relates to the appropriate 23701
law enforcement agency that substantially conducted the 23702
investigation. 23703

If the state highway patrol substantially conducted the 23704
investigation, the director of budget and management shall 23705
transfer the remaining proceeds, fines, and penalties to the state 23706
highway patrol for deposit into the state highway patrol 23707
contraband, forfeiture, and other fund that is created by division 23708
(D)(1)(c) of section 2933.43 of the Revised Code. If the 23709
department of taxation substantially conducted the investigation, 23710
the director, after obtaining approval from the controlling board, 23711
shall transfer the remaining proceeds, fines, and penalties to the 23712
department for deposit into the department of taxation enforcement 23713
fund. If the controlling board does not approve deposit of the 23714
remaining proceeds, fines, and penalties into the department of 23715
taxation enforcement fund, the director shall transfer the 23716
remaining proceeds, fines, and penalties to the treasurer of state 23717
for deposit into the peace officer training commission fund 23718
created by division (D)(1)(c) of section 2933.43 of the Revised 23719
Code. If the state board of pharmacy substantially conducted the 23720
investigation, the director shall transfer the remaining proceeds, 23721
fines, and penalties to the board for deposit into the board of 23722
pharmacy drug law enforcement fund that is created by division 23723
(B)(1) of section 4729.65 of the Revised Code. If a state law 23724
enforcement agency, other than the state highway patrol, the 23725
department of taxation, or the state board of pharmacy, 23726
substantially conducted the investigation, the director shall 23727
transfer the remaining proceeds, fines, and penalties to the 23728
treasurer of state for deposit into the peace officer training 23729
commission fund ~~that is created by division (D)(1)(c) of section~~ 23730
~~2933.43 of the Revised Code.~~ 23731

The remaining proceeds, fines, and penalties that are paid to 23732

a law enforcement trust fund or that are deposited into the state 23733
highway patrol contraband, forfeiture, and other fund, the 23734
department of taxation enforcement fund, the board of pharmacy 23735
drug law enforcement fund, or the peace officer training 23736
commission fund pursuant to division (D)(2)(c) of this section 23737
shall be allocated, used, and expended only in accordance with 23738
division (D)(1)(c) of section 2933.43 of the Revised Code, only in 23739
accordance with a written internal control policy adopted under 23740
division (D)(3) of that section, and, if applicable, only in 23741
accordance with division (B) of section 4729.65 of the Revised 23742
Code. The annual reports that pertain to the funds and that are 23743
required by divisions (D)(1)(c) and (3)(b) of section 2933.43 of 23744
the Revised Code also shall address the remaining proceeds, fines, 23745
and penalties that are paid or deposited into the funds pursuant 23746
to division (D)(2)(c) of this section. 23747

(3) If more than one law enforcement agency substantially 23748
conducted the investigation, the court ordering the forfeiture 23749
shall equitably divide the remaining proceeds, fines, and 23750
penalties among the law enforcement agencies that substantially 23751
conducted the investigation, in the manner described in division 23752
(D)(2) of section 2933.43 of the Revised Code for the equitable 23753
division of contraband proceeds and forfeited moneys. The 23754
equitable shares of the proceeds, fines, and penalties so 23755
determined by the court shall be paid or deposited into the 23756
appropriate funds specified in division (D)(2)(c) of this section. 23757

(E) As used in this section, "law enforcement agency" 23758
includes, but is not limited to, the state board of pharmacy and 23759
the department of taxation. 23760

Sec. 2925.44. (A) If property is seized pursuant to section 23761
2925.42 or 2925.43 of the Revised Code, it is deemed to be in the 23762
custody of the head of the law enforcement agency that seized it, 23763

and the head of that agency may do any of the following with 23764
respect to that property prior to its disposition in accordance 23765
with division (A)(4) or (B) of this section: 23766

(1) Place the property under seal; 23767

(2) Remove the property to a place that the head of that 23768
agency designates; 23769

(3) Request the issuance of a court order that requires any 23770
other appropriate municipal corporation, county, township, park 23771
district created pursuant to section 511.18 or 1545.01 of the 23772
Revised Code, or state law enforcement officer or other officer to 23773
take custody of the property and, if practicable, remove it to an 23774
appropriate location for eventual disposition in accordance with 23775
division (B) of this section; 23776

(4)(a) Seek forfeiture of the property pursuant to federal 23777
law. If the head of that agency seeks its forfeiture pursuant to 23778
federal law, the law enforcement agency shall deposit, use, and 23779
account for proceeds from a sale of the property upon its 23780
forfeiture, proceeds from another disposition of the property upon 23781
its forfeiture, or forfeited moneys it receives, in accordance 23782
with the applicable federal law and otherwise shall comply with 23783
that law. 23784

(b) If the state highway patrol seized the property and if 23785
the superintendent of the state highway patrol seeks its 23786
forfeiture pursuant to federal law, the appropriate governmental 23787
officials shall deposit into the state highway patrol contraband, 23788
forfeiture, and other fund all interest or other earnings derived 23789
from the investment of the proceeds from a sale of the property 23790
upon its forfeiture, the proceeds from another disposition of the 23791
property upon its forfeiture, or the forfeited moneys. The state 23792
highway patrol shall use and account for that interest or other 23793
earnings in accordance with the applicable federal law. 23794

(c) If the investigative unit of the department of public safety seized the property and if the director of public safety seeks its forfeiture pursuant to federal law, the appropriate governmental officials shall deposit into the department of public safety investigative unit contraband, forfeiture, and other fund all interest or other earnings derived from the investment of the proceeds from a sale of the property upon its forfeiture, the proceeds from another disposition of the property upon its forfeiture, or the forfeited moneys. The department shall use and account for that interest or other earnings in accordance with the applicable federal law.

(d) If the enforcement division of the department of taxation seized the property and if the tax commissioner seeks its forfeiture pursuant to federal law, the appropriate governmental officials shall, after obtaining approval from the controlling board, deposit into the department of taxation enforcement fund all interest or other earnings derived from the investment of the proceeds from a sale of the property upon its forfeiture, the proceeds from another disposition of the property upon its forfeiture, or the forfeited moneys. The department shall use and account for that interest or other earnings in accordance with the applicable federal law. If the controlling board does not approve deposit of interest or other earnings into the department of taxation enforcement fund, the appropriate governmental officials shall pay the interest or other earnings to the treasurer of state for deposit into the peace officer training commission fund.

(e) Division (B) of this section and divisions (D)(1) to (3) of section 2933.43 of the Revised Code do not apply to proceeds or forfeited moneys received pursuant to federal law or to the interest or other earnings that are derived from the investment of proceeds or forfeited moneys received pursuant to federal law and that are described in division (A)(4)(b) or (d) of this section.

(B) In addition to complying with any requirements imposed by 23827
a court pursuant to section 2925.42 or 2925.43 of the Revised 23828
Code, and the requirements imposed by those sections, in relation 23829
to the disposition of property forfeited to the state under either 23830
of those sections, the prosecuting attorney who is responsible for 23831
its disposition shall dispose of the property as follows: 23832

(1) Any vehicle, as defined in section 4501.01 of the Revised 23833
Code, that was used in a felony drug abuse offense or in an act 23834
that, if committed by an adult, would be a felony drug abuse 23835
offense shall be given to the law enforcement agency of the 23836
municipal corporation or county in which the offense occurred if 23837
that agency desires to have the vehicle, except that, if the 23838
offense occurred in a township or in a park district created 23839
pursuant to section 511.18 or 1545.01 of the Revised Code and a 23840
law enforcement officer employed by the township or the park 23841
district was involved in the seizure of the vehicle, the vehicle 23842
may be given to the law enforcement agency of that township or 23843
park district if that agency desires to have the vehicle, and 23844
except that, if the state highway patrol made the seizure of the 23845
vehicle, the vehicle may be given to the state highway patrol if 23846
it desires to have the vehicle. 23847

(2) Any drug paraphernalia that was used, possessed, sold, or 23848
manufactured in a violation of section 2925.14 of the Revised Code 23849
that would be a felony drug abuse offense or in a violation of 23850
that section committed by a juvenile that, if committed by an 23851
adult, would be a felony drug abuse offense, may be given to the 23852
law enforcement agency of the municipal corporation or county in 23853
which the offense occurred if that agency desires to have and can 23854
use the drug paraphernalia, except that, if the offense occurred 23855
in a township or in a park district created pursuant to section 23856
511.18 or 1545.01 of the Revised Code and a law enforcement 23857
officer employed by the township or the park district was involved 23858

in the seizure of the drug paraphernalia, the drug paraphernalia 23859
may be given to the law enforcement agency of that township or 23860
park district if that agency desires to have and can use the drug 23861
paraphernalia. If the drug paraphernalia is not so given, it shall 23862
be disposed of by sale pursuant to division (B)(8) of this section 23863
or disposed of in another manner that the court that issued the 23864
order of forfeiture considers proper under the circumstances. 23865

(3) Drugs shall be disposed of pursuant to section 3719.11 of 23866
the Revised Code or placed in the custody of the secretary of the 23867
treasury of the United States for disposal or use for medical or 23868
scientific purposes under applicable federal law. 23869

(4) Firearms and dangerous ordnance suitable for police work 23870
may be given to a law enforcement agency for that purpose. 23871
Firearms suitable for sporting use, or as museum pieces or 23872
collectors' items, may be disposed of by sale pursuant to division 23873
(B)(8) of this section. Other firearms and dangerous ordnance 23874
shall be destroyed by a law enforcement agency or shall be sent to 23875
the bureau of criminal identification and investigation for 23876
destruction by it. As used in this division, "firearms" and 23877
"dangerous ordnance" have the same meanings as in section 2923.11 23878
of the Revised Code. 23879

(5) Computers, computer networks, computer systems, and 23880
computer software suitable for police work may be given to a law 23881
enforcement agency for that purpose. Other computers, computer 23882
networks, computer systems, and computer software shall be 23883
disposed of by sale pursuant to division (B)(8) of this section or 23884
disposed of in another manner that the court that issued the order 23885
of forfeiture considers proper under the circumstances. As used in 23886
this division, "computers," "computer networks," "computer 23887
systems," and "computer software" have the same meanings as in 23888
section 2913.01 of the Revised Code. 23889

(6) Obscene materials shall be destroyed. 23890

(7) Beer, intoxicating liquor, and alcohol shall be disposed 23891
of in accordance with division (D)(4) of section 2933.41 of the 23892
Revised Code. 23893

(8) In the case of property not described in divisions (B)(1) 23894
to (7) of this section and of property described in those 23895
divisions but not disposed of pursuant to them, the property shall 23896
be sold in accordance with division (B)(8) of this section or, in 23897
the case of forfeited moneys, disposed of in accordance with 23898
division (B)(8) of this section. If the property is to be sold, 23899
the prosecuting attorney shall cause a notice of the proposed sale 23900
of the property to be given in accordance with law, and the 23901
property shall be sold, without appraisal, at a public auction to 23902
the highest bidder for cash. The proceeds of a sale and forfeited 23903
moneys shall be applied in the following order: 23904

(a) First, to the payment of the costs incurred in connection 23905
with the seizure of, storage of, maintenance of, and provision of 23906
security for the property, the forfeiture proceeding or civil 23907
action, and, if any, the sale; 23908

(b) Second, the remaining proceeds or forfeited moneys after 23909
compliance with division (B)(8)(a) of this section, to the payment 23910
of the value of any legal right, title, or interest in the 23911
property that is possessed by a person who, pursuant to division 23912
(F) of section 2925.42 of the Revised Code or division (E) of 23913
section 2925.43 of the Revised Code, established the validity of 23914
and consequently preserved that legal right, title, or interest, 23915
including, but not limited to, any mortgage, perfected or other 23916
security interest, or other lien in the property. The value of 23917
these rights, titles, or interests shall be paid according to 23918
their record or other order of priority. 23919

(c) Third, the remaining proceeds or forfeited moneys after 23920
compliance with divisions (B)(8)(a) and (b) of this section, as 23921

follows: 23922

(i) If the forfeiture was ordered in a juvenile court, ten 23923
per cent to one or more alcohol and drug addiction treatment 23924
programs that are certified by the department of alcohol and drug 23925
addiction services under section 3793.06 of the Revised Code and 23926
that are specified in the order of forfeiture. A juvenile court 23927
shall not specify an alcohol or drug addiction treatment program 23928
in the order of forfeiture unless the program is a certified 23929
alcohol and drug addiction treatment program and, except as 23930
provided in division (B)(8)(c)(i) of this section, unless the 23931
program is located in the county in which the court that orders 23932
the forfeiture is located or in a contiguous county. If no 23933
certified alcohol and drug addiction treatment program is located 23934
in any of those counties, the juvenile court may specify in the 23935
order a certified alcohol and drug addiction treatment program 23936
located anywhere within this state. 23937

(ii) If the forfeiture was ordered in a juvenile court, 23938
ninety per cent, and if the forfeiture was ordered in a court 23939
other than a juvenile court, one hundred per cent to appropriate 23940
funds in accordance with divisions (D)(1)(c) and (2) of section 23941
2933.43 of the Revised Code. The remaining proceeds or forfeited 23942
moneys so deposited shall be used only for the purposes authorized 23943
by those divisions and division (D)(3)(a)(ii) of that section. 23944

(C)(1) Sections 2925.41 to 2925.45 of the Revised Code do not 23945
preclude a financial institution that possessed a valid mortgage, 23946
security interest, or lien that is not satisfied prior to a sale 23947
under division (B)(8) of this section or following a sale by 23948
application of division (B)(8)(b) of this section, from commencing 23949
a civil action in any appropriate court in this or another state 23950
to obtain a deficiency judgment against the debtor if the 23951
financial institution otherwise would have been entitled to do so 23952
in this or another state. 23953

(2) Any law enforcement agency that obtains any vehicle 23954
pursuant to division (B)(1) of this section shall take the vehicle 23955
subject to the outstanding amount of any security interest or lien 23956
that attaches to the vehicle. 23957

(3) Nothing in this section impairs a mortgage, security 23958
interest, lien, or other interest of a financial institution in 23959
property that was the subject of a forfeiture order under section 23960
2925.42 or 2925.43 of the Revised Code and that was sold or 23961
otherwise disposed of in a manner that does not conform to the 23962
requirements of division (B) of this section, or any right of a 23963
financial institution of that nature to commence a civil action in 23964
any appropriate court in this or another state to obtain a 23965
deficiency judgment against the debtor. 23966

(4) Following the sale under division (B)(8) of this section 23967
of any property that is required to be titled or registered under 23968
the law of this state, the prosecuting attorney responsible for 23969
the disposition of the property shall cause the state to issue an 23970
appropriate certificate of title or registration to the purchaser 23971
of the property. Additionally, if, in a disposition of property 23972
pursuant to division (B) of this section, the state or a political 23973
subdivision is given any property that is required to be titled or 23974
registered under the law of this state, the prosecuting attorney 23975
responsible for the disposition of the property shall cause the 23976
state to issue an appropriate certificate of title or registration 23977
to itself or to the political subdivision. 23978

(D) Property that has been forfeited to the state pursuant to 23979
an order of criminal forfeiture under section 2925.42 of the 23980
Revised Code or an order of civil forfeiture under section 2925.43 23981
of the Revised Code shall not be available for use to pay any fine 23982
imposed upon a person who is convicted of or pleads guilty to a 23983
felony drug abuse offense or upon any juvenile who is found by a 23984
juvenile court to be a delinquent child for an act that, if 23985

committed by an adult, would be a felony drug abuse offense. 23986

(E) Sections 2925.41 to 2925.45 of the Revised Code do not 23987
prohibit a law enforcement officer from seeking the forfeiture of 23988
contraband associated with a felony drug abuse offense pursuant to 23989
section 2933.43 of the Revised Code. 23990

Sec. 2929.38. (A) A board of commissioners of a county, in an 23991
agreement with the sheriff, a legislative authority of a municipal 23992
corporation, a corrections commission, a judicial corrections 23993
board, or any other public or private entity that operates a local 23994
detention facility described in division (A) of section 2929.37 of 23995
the Revised Code, may establish a policy that requires any 23996
prisoner who is confined in the facility as a result of pleading 23997
guilty to or having been convicted of an offense to pay a one-time 23998
reception fee for the costs of processing the prisoner into the 23999
facility at the time of the prisoner's initial entry into the 24000
facility under the confinement in question, to pay a reasonable 24001
fee for any medical or dental treatment or service requested by 24002
and provided to that prisoner, and to pay the fee for a random 24003
drug test assessed under division (E) of section 341.26, and 24004
division (E) of section 753.33 of the Revised Code. The fee for 24005
the medical treatment or service shall not exceed the actual cost 24006
of the treatment or service provided. No prisoner confined in the 24007
local detention facility shall be denied any necessary medical 24008
care because of inability to pay the fees. 24009

(B) Upon assessment of a one-time reception fee as described 24010
in division (A) of this section, the provision of the requested 24011
medical treatment or service, or the assessment of a fee for a 24012
random drug test, payment of the required fee may be automatically 24013
deducted from the prisoner's inmate account in the business office 24014
of the local detention facility in which the prisoner is confined. 24015
If there is no money in the account, a deduction may be made at a 24016

later date during the prisoner's confinement if the money becomes 24017
available in the account. If, after release, the prisoner has an 24018
unpaid balance of those fees, the sheriff, legislative authority 24019
of the municipal corporation, corrections commission, judicial 24020
corrections board, or other entity that operates the local 24021
detention facility described in division (A) of section 2929.37 of 24022
the Revised Code may bill the prisoner for the payment of the 24023
unpaid fees. Fees received for medical or dental treatment or 24024
services shall be paid to the commissary fund, if one exists for 24025
the facility, or if no commissary fund exists, to the general fund 24026
of the treasury of the political subdivision that incurred the 24027
expenses, in the same proportion as those expenses were borne by 24028
the political subdivision. Fees received for medical treatment or 24029
services that are placed in the commissary fund under this 24030
division shall be used for the same purposes as profits from the 24031
commissary fund, except that they shall not be used to pay any 24032
salary or benefits of any person who works in or is employed for 24033
the sole purpose of providing service to the commissary. 24034

(C) Any fee paid by a person under this section shall be 24035
deducted from any medical or dental costs that the person is 24036
ordered to reimburse under section 2929.36 of the Revised Code or 24037
to repay under a policy adopted under section 2929.37 of the 24038
Revised Code. 24039

(D) As used in this section, "inmate account" has the same 24040
meaning as in section 2969.21 of the Revised Code. 24041

Sec. 2933.43. (A)(1) Except as provided in this division or 24042
in section 2913.34 or sections 2923.44 to 2923.47 or 2925.41 to 24043
2925.45 of the Revised Code, a law enforcement officer shall seize 24044
any contraband that has been, is being, or is intended to be used 24045
in violation of division (A) of section 2933.42 of the Revised 24046
Code. A law enforcement officer shall seize contraband that is a 24047

watercraft, motor vehicle, or aircraft and that has been, is 24048
being, or is intended to be used in violation of division (A) of 24049
section 2933.42 of the Revised Code only if the watercraft, motor 24050
vehicle, or aircraft is contraband because of its relationship to 24051
an underlying criminal offense that is a felony. 24052

Additionally, a law enforcement officer shall seize any 24053
watercraft, motor vehicle, aircraft, or other personal property 24054
that is classified as contraband under division (B) of section 24055
2933.42 of the Revised Code if the underlying offense involved in 24056
the violation of division (A) of that section that resulted in the 24057
watercraft, motor vehicle, aircraft, or personal property being 24058
classified as contraband, is a felony. 24059

(2) If a law enforcement officer seizes property that is 24060
titled or registered under law, including a motor vehicle, 24061
pursuant to division (A)(1) of this section, the officer or the 24062
officer's employing law enforcement agency shall notify the owner 24063
of the seizure. The notification shall be given to the owner at 24064
the owner's last known address within seventy-two hours after the 24065
seizure, and may be given orally by any means, including 24066
telephone, or by certified mail, return receipt requested. 24067

If the officer or the officer's agency is unable to provide 24068
the notice required by this division despite reasonable, good 24069
faith efforts to do so, the exercise of the reasonable, good faith 24070
efforts constitutes fulfillment of the notice requirement imposed 24071
by this division. 24072

(B)(1) A motor vehicle seized pursuant to division (A)(1) of 24073
this section and the contents of the vehicle may be retained for a 24074
reasonable period of time, not to exceed seventy-two hours, for 24075
the purpose of inspection, investigation, and the gathering of 24076
evidence of any offense or illegal use. 24077

At any time prior to the expiration of the seventy-two-hour 24078

period, the law enforcement agency that seized the motor vehicle 24079
may petition the court of common pleas of the county that has 24080
jurisdiction over the underlying criminal case or administrative 24081
proceeding involved in the forfeiture for an extension of the 24082
seventy-two-hour period if the motor vehicle or its contents are 24083
needed as evidence or if additional time is needed for the 24084
inspection, investigation, or gathering of evidence. Upon the 24085
filing of such a petition, the court immediately shall schedule a 24086
hearing to be held at a time as soon as possible after the filing, 24087
but in no event at a time later than the end of the next business 24088
day subsequent to the day on which the petition was filed, and 24089
upon scheduling the hearing, immediately shall notify the owner of 24090
the vehicle, at the address at which notification of the seizure 24091
was provided under division (A) of this section, of the date, 24092
time, and place of the hearing. If the court, at the hearing, 24093
determines that the vehicle or its contents, or both, are needed 24094
as evidence or that additional time is needed for the inspection, 24095
investigation, or gathering of evidence, the court may grant the 24096
petition and issue an order authorizing the retention of the 24097
vehicle or its contents, or both, for an extended period as 24098
specified by the court in its order. An order extending a period 24099
of retention issued under this division may be renewed. 24100

If no petition for the extension of the initial 24101
seventy-two-hour period has been filed, prior to the expiration of 24102
that period, under this division, if the vehicle was not in the 24103
custody and control of the owner at the time of its seizure, and 24104
if, at the end of that seventy-two-hour period, the owner of the 24105
vehicle has not been charged with an offense or administrative 24106
violation that includes the use of the vehicle as an element and 24107
has not been charged with any other offense or administrative 24108
violation in the actual commission of which the motor vehicle was 24109
used, the vehicle and its contents shall be released to its owner 24110
or the owner's agent, provided that the law enforcement agency 24111

that seized the vehicle may require proof of ownership of the 24112
vehicle, proof of ownership or legal possession of the contents, 24113
and an affidavit of the owner that the owner neither knew of nor 24114
expressly or impliedly consented to the use of the vehicle that 24115
resulted in its forfeiture as conditions precedent to release. If 24116
a petition for the extension of the initial seventy-two-hour 24117
period has been filed, prior to the expiration of that period, 24118
under this division but the court does not grant the petition, if 24119
the vehicle was not in the custody and control of the owner at the 24120
time of its seizure, and if, at the end of that seventy-two-hour 24121
period, the owner of the vehicle has not been charged with an 24122
offense or administrative violation that includes the use of the 24123
vehicle as an element and has not been charged with any other 24124
offense or administrative violation in the actual commission of 24125
which the motor vehicle was used, the vehicle and its contents 24126
shall be released to its owner or the owner's agent, provided that 24127
the court may require the proof and affidavit described in the 24128
preceding sentence as conditions precedent to release. If the 24129
initial seventy-two-hour period has been extended under this 24130
division, the vehicle and its contents to which the extension 24131
applies may be retained in accordance with the extension order. 24132
If, at the end of that extended period, the owner of the vehicle 24133
has not been charged with an offense or administrative violation 24134
that includes the use of the vehicle as an element and has not 24135
been charged with any other offense or administrative violation in 24136
the actual commission of which the motor vehicle was used, and if 24137
the vehicle was not in the custody and control of the owner at the 24138
time of its seizure, the vehicle and its contents shall be 24139
released to its owner or the owner's agent, provided that the 24140
court may require the proof and affidavit described in the third 24141
preceding sentence as conditions precedent to release. In cases in 24142
which the court may require proof and affidavits as conditions 24143
precedent to release, the court also may require the posting of a 24144

bond, with sufficient sureties approved by the court, in an amount 24145
equal to the value of the property to be released, as determined 24146
by the court, and conditioned upon the return of the property to 24147
the court if it is forfeited under this section, as a further 24148
condition to release. If, at the end of the initial 24149
seventy-two-hour period or at the end of any extended period 24150
granted under this section, the owner has been charged with an 24151
offense or administrative violation that includes the use of the 24152
vehicle as an element or has been charged with another offense or 24153
administrative violation in the actual commission of which the 24154
motor vehicle was used, or if the vehicle was in the custody and 24155
control of the owner at the time of its seizure, the vehicle and 24156
its contents shall be retained pending disposition of the charge, 24157
provided that upon the filing of a motion for release by the 24158
owner, if the court determines that the motor vehicle or its 24159
contents, or both, are not needed as evidence in the underlying 24160
criminal case or administrative proceeding, the court may permit 24161
the release of the property that is not needed as evidence to the 24162
owner; as a condition precedent to a release of that nature, the 24163
court may require the owner to execute a bond with the court. Any 24164
bond so required shall be in an amount equal to the value of the 24165
property to be released, as determined by the court, shall have 24166
sufficient sureties approved by the court, and shall be 24167
conditioned upon the return of the property to the court to which 24168
it is forfeited under this section. 24169

The final disposition of a motor vehicle seized pursuant to 24170
division (A)(1) of this section shall be determined in accordance 24171
with division (C) of this section. 24172

(2) Pending a hearing pursuant to division (C) of this 24173
section, and subject to divisions (B)(1) and (C) of this section, 24174
any property lawfully seized pursuant to division (A) of this 24175
section because it was contraband of a type described in division 24176

(A)(13)(b), (d), (e), (f), (g), (h), (i), or (j) of section 24177
2901.01 of the Revised Code shall not be subject to replevin or 24178
other action in any court and shall not be subject to release upon 24179
request of the owner, and no judgment shall be enforced against 24180
the property. Pending the hearing, and subject to divisions (B)(1) 24181
and (C) of this section, the property shall be kept in the custody 24182
of the law enforcement agency responsible for its seizure. 24183

Pending a hearing pursuant to division (C) of this section, 24184
and notwithstanding any provisions of division (B)(1) or (C) of 24185
this section to the contrary, any property lawfully seized 24186
pursuant to division (A) of this section because it was contraband 24187
of a type described in division (A)(13)(a) or (c) of section 24188
2901.01 of the Revised Code shall not be subject to replevin or 24189
other action in any court and shall not be subject to release upon 24190
request of the owner, and no judgment shall be enforced against 24191
the property. Pending the hearing, and notwithstanding any 24192
provisions of division (B)(1) or (C) of this section to the 24193
contrary, the property shall be kept in the custody of the law 24194
enforcement agency responsible for its seizure. 24195

A law enforcement agency that seizes property under division 24196
(A) of this section because it was contraband of any type 24197
described in division (A)(13) of section 2901.01 or division (B) 24198
of section 2933.42 of the Revised Code shall maintain an accurate 24199
record of each item of property so seized, which record shall 24200
include the date on which each item was seized, the manner and 24201
date of its disposition, and if applicable, the name of the person 24202
who received the item; however, the record shall not identify or 24203
enable the identification of the individual officer who seized the 24204
item. The record of property of that nature that no longer is 24205
needed as evidence shall be open to public inspection during the 24206
agency's regular business hours. Each law enforcement agency that, 24207
during any calendar year, seizes property under division (A) of 24208

this section because it was contraband shall prepare a report 24209
covering the calendar year that cumulates all of the information 24210
contained in all of the records kept by the agency pursuant to 24211
this division for that calendar year, and shall send a copy of the 24212
cumulative report, no later than the first day of March in the 24213
calendar year following the calendar year covered by the report, 24214
to the attorney general. Each report received by the attorney 24215
general is a public record open for inspection under section 24216
149.43 of the Revised Code. Not later than the fifteenth day of 24217
April in the calendar year in which the reports are received, the 24218
attorney general shall send to the president of the senate and the 24219
speaker of the house of representatives a written notification 24220
that does all of the following: 24221

(a) Indicates that the attorney general has received from law 24222
enforcement agencies reports of the type described in this 24223
division that cover the previous calendar year and indicates that 24224
the reports were received under this division; 24225

(b) Indicates that the reports are open for inspection under 24226
section 149.43 of the Revised Code; 24227

(c) Indicates that the attorney general will provide a copy 24228
of any or all of the reports to the president of the senate or the 24229
speaker of the house of representatives upon request. 24230

(C) The prosecuting attorney, village solicitor, city 24231
director of law, or similar chief legal officer who has 24232
responsibility for the prosecution of the underlying criminal case 24233
or administrative proceeding, or the attorney general if the 24234
attorney general has that responsibility, shall file a petition 24235
for the forfeiture, to the seizing law enforcement agency of the 24236
contraband seized pursuant to division (A) of this section. The 24237
petition shall be filed in the court that has jurisdiction over 24238
the underlying criminal case or administrative proceeding involved 24239
in the forfeiture. If the property was seized on the basis of both 24240

a criminal violation and an administrative regulation violation, 24241
the petition shall be filed by the officer and in the court that 24242
is appropriate in relation to the criminal case. 24243

The petitioner shall conduct or cause to be conducted a 24244
search of the appropriate public records that relate to the seized 24245
property for the purpose of determining, and shall make or cause 24246
to be made reasonably diligent inquiries for the purpose of 24247
determining, any person having an ownership or security interest 24248
in the property. The petitioner then shall give notice of the 24249
forfeiture proceedings by personal service or by certified mail, 24250
return receipt requested, to any persons known, because of the 24251
conduct of the search, the making of the inquiries, or otherwise, 24252
to have an ownership or security interest in the property, and 24253
shall publish notice of the proceedings once each week for two 24254
consecutive weeks in a newspaper of general circulation in the 24255
county in which the seizure occurred. The notices shall be 24256
personally served, mailed, and first published at least four weeks 24257
before the hearing. They shall describe the property seized; state 24258
the date and place of seizure; name the law enforcement agency 24259
that seized the property and, if applicable, that is holding the 24260
property; list the time, date, and place of the hearing; and state 24261
that any person having an ownership or security interest in the 24262
property may contest the forfeiture. 24263

If the property seized was determined by the seizing law 24264
enforcement officer to be contraband because of its relationship 24265
to an underlying criminal offense or administrative violation, no 24266
forfeiture hearing shall be held under this section unless the 24267
person pleads guilty to or is convicted of the commission of, or 24268
an attempt or conspiracy to commit, the offense or a different 24269
offense arising out of the same facts and circumstances or unless 24270
the person admits or is adjudicated to have committed the 24271
administrative violation or a different violation arising out of 24272

the same facts and circumstances; a forfeiture hearing shall be 24273
held in a case of that nature no later than forty-five days after 24274
the conviction or the admission or adjudication of the violation, 24275
unless the time for the hearing is extended by the court for good 24276
cause shown. The owner of any property seized because of its 24277
relationship to an underlying criminal offense or administrative 24278
violation may request the court to release the property to the 24279
owner. Upon receipt of a request of that nature, if the court 24280
determines that the property is not needed as evidence in the 24281
underlying criminal case or administrative proceeding, the court 24282
may permit the release of the property to the owner. As a 24283
condition precedent to a release of that nature, the court may 24284
require the owner to execute a bond with the court. Any bond so 24285
required shall have sufficient sureties approved by the court, 24286
shall be in a sum equal to the value of the property, as 24287
determined by the court, and shall be conditioned upon the return 24288
of the property to the court if the property is forfeited under 24289
this section. Any property seized because of its relationship to 24290
an underlying criminal offense or administrative violation shall 24291
be returned to its owner if charges are not filed in relation to 24292
that underlying offense or violation within thirty days after the 24293
seizure, if charges of that nature are filed and subsequently are 24294
dismissed, or if charges of that nature are filed and the person 24295
charged does not plead guilty to and is not convicted of the 24296
offense or does not admit and is not found to have committed the 24297
violation. 24298

If the property seized was determined by the seizing law 24299
enforcement officer to be contraband other than because of a 24300
relationship to an underlying criminal offense or administrative 24301
violation, the forfeiture hearing under this section shall be held 24302
no later than forty-five days after the seizure, unless the time 24303
for the hearing is extended by the court for good cause shown. 24304

Where possible, a court holding a forfeiture hearing under 24305
this section shall follow the Rules of Civil Procedure. When a 24306
hearing is conducted under this section, property shall be 24307
forfeited upon a showing, by a preponderance of the evidence, by 24308
the petitioner that the person from which the property was seized 24309
was in violation of division (A) of section 2933.42 of the Revised 24310
Code. If that showing is made, the court shall issue an order of 24311
forfeiture. If an order of forfeiture is issued in relation to 24312
contraband that was released to the owner or the owner's agent 24313
pursuant to this division or division (B)(1) of this section, the 24314
order shall require the owner to deliver the property, by a 24315
specified date, to the law enforcement agency that employed the 24316
law enforcement officer who made the seizure of the property, and 24317
the court shall deliver a copy of the order to the owner or send a 24318
copy of it by certified mail, return receipt requested, to the 24319
owner at the address to which notice of the seizure was given 24320
under division (A)(2) of this section. Except as otherwise 24321
provided in this division, all rights, interest, and title to the 24322
forfeited contraband vests in the state, effective from the date 24323
of seizure. 24324

No property shall be forfeited pursuant to this division if 24325
the owner of the property establishes, by a preponderance of the 24326
evidence, that the owner neither knew, nor should have known after 24327
a reasonable inquiry, that the property was used, or was likely to 24328
be used, in a crime or administrative violation. No bona fide 24329
security interest shall be forfeited pursuant to this division if 24330
the holder of the interest establishes, by a preponderance of the 24331
evidence, that the holder of the interest neither knew, nor should 24332
have known after a reasonable inquiry, that the property was used, 24333
or likely to be used, in a crime or administrative violation, that 24334
the holder of the interest did not expressly or impliedly consent 24335
to the use of the property in a crime or administrative violation, 24336

and that the security interest was perfected pursuant to law prior 24337
to the seizure. If the holder of the interest satisfies the court 24338
that these requirements are met, the interest shall be preserved 24339
by the court. In a case of that nature, the court shall either 24340
order that the agency to which the property is forfeited reimburse 24341
the holder of the interest to the extent of the preserved interest 24342
or order that the holder be paid for the interest from the 24343
proceeds of any sale pursuant to division (D) of this section. 24344

(D)(1) Contraband ordered forfeited pursuant to this section 24345
shall be disposed of pursuant to divisions (D)(1) to (7) of 24346
section 2933.41 of the Revised Code or, if the contraband is not 24347
described in those divisions, may be used, with the approval of 24348
the court, by the law enforcement agency that has custody of the 24349
contraband pursuant to division (D)(8) of that section. In the 24350
case of contraband not described in any of those divisions and of 24351
contraband not disposed of pursuant to any of those divisions, the 24352
contraband shall be sold in accordance with this division or, in 24353
the case of forfeited moneys, disposed of in accordance with this 24354
division. If the contraband is to be sold, the prosecuting 24355
attorney shall cause a notice of the proposed sale of the 24356
contraband to be given in accordance with law, and the property 24357
shall be sold, without appraisal, at a public auction to the 24358
highest bidder for cash. The proceeds of a sale and forfeited 24359
moneys shall be applied in the following order: 24360

(a) First, to the payment of the costs incurred in connection 24361
with the seizure of, storage of, maintenance of, and provision of 24362
security for the contraband, the forfeiture proceeding, and, if 24363
any, the sale; 24364

(b) Second, the remaining proceeds or forfeited moneys after 24365
compliance with division (D)(1)(a) of this section, to the payment 24366
of the balance due on any security interest preserved pursuant to 24367
division (C) of this section; 24368

(c) Third, the remaining proceeds or forfeited moneys after 24369
compliance with divisions (D)(1)(a) and (b) of this section, as 24370
follows: 24371

(i) If the forfeiture was ordered in a juvenile court, ten 24372
per cent to one or more alcohol and drug addiction treatment 24373
programs that are certified by the department of alcohol and drug 24374
addiction services under section 3793.06 of the Revised Code and 24375
that are specified in the order of forfeiture. A juvenile court 24376
shall not certify an alcohol or drug addiction treatment program 24377
in the order of forfeiture unless the program is a certified 24378
alcohol and drug addiction treatment program and, except as 24379
provided in division (D)(1)(c)(i) of this section, unless the 24380
program is located in the county in which the court that orders 24381
the forfeiture is located or in a contiguous county. If no 24382
certified alcohol and drug addiction treatment program is located 24383
in any of those counties, the juvenile court may specify in the 24384
order a certified alcohol and drug addiction treatment program 24385
located anywhere within this state. 24386

(ii) If the forfeiture was ordered in a juvenile court, 24387
ninety per cent, and if the forfeiture was ordered in a court 24388
other than a juvenile court, one hundred per cent to the law 24389
enforcement trust fund of the prosecuting attorney and to the law 24390
enforcement trust fund of the county sheriff if the county sheriff 24391
made the seizure, to the law enforcement trust fund of a municipal 24392
corporation if its police department made the seizure, to the law 24393
enforcement trust fund of a township if the seizure was made by a 24394
township police department, township police district police force, 24395
or office of a township constable, to the law enforcement trust 24396
fund of a park district created pursuant to section 511.18 or 24397
1545.01 of the Revised Code if the seizure was made by the park 24398
district police force or law enforcement department, to the state 24399
highway patrol contraband, forfeiture, and other fund if the state 24400

highway patrol made the seizure, to the department of public 24401
safety investigative unit contraband, forfeiture, and other fund 24402
if the investigative unit of the department of public safety made 24403
the seizure, to the department of taxation enforcement fund if the 24404
department of taxation made the seizure and the controlling board 24405
approves the deposit of the proceeds or forfeited moneys into the 24406
fund, to the board of pharmacy drug law enforcement fund created 24407
by division (B)(1) of section 4729.65 of the Revised Code if the 24408
board made the seizure, or to the treasurer of state for deposit 24409
into the peace officer training commission fund if the controlling 24410
board does not approve deposit of the proceeds or forfeited moneys 24411
into the department of taxation enforcement fund or if a state law 24412
enforcement agency, other than the state highway patrol, the 24413
investigative unit of the department of public safety, the 24414
enforcement division of the department of taxation, or the state 24415
board of pharmacy, made the seizure. The prosecuting attorney may 24416
decline to accept any of the remaining proceeds or forfeited 24417
moneys, and, if the prosecuting attorney so declines, the 24418
remaining proceeds or forfeited moneys shall be applied to the 24419
fund described in this division that relates to the law 24420
enforcement agency that made the seizure. 24421

A law enforcement trust fund shall be established by the 24422
prosecuting attorney of each county who intends to receive any 24423
remaining proceeds or forfeited moneys pursuant to this division, 24424
by the sheriff of each county, by the legislative authority of 24425
each municipal corporation, by the board of township trustees of 24426
each township that has a township police department, township 24427
police district police force, or office of the constable, and by 24428
the board of park commissioners of each park district created 24429
pursuant to section 511.18 or 1545.01 of the Revised Code that has 24430
a park district police force or law enforcement department, for 24431
the purposes of this division. There is hereby created in the 24432
state treasury the state highway patrol contraband, forfeiture, 24433

and other fund, the department of public safety investigative unit 24434
contraband, forfeiture, and other fund, the department of taxation 24435
enforcement fund, and the peace officer training commission fund, 24436
for the purposes described in this division. 24437

Proceeds or forfeited moneys distributed to any municipal 24438
corporation, township, or park district law enforcement trust fund 24439
shall be allocated from the fund by the legislative authority only 24440
to the police department of the municipal corporation, by the 24441
board of township trustees only to the township police department, 24442
township police district police force, or office of the constable, 24443
and by the board of park commissioners only to the park district 24444
police force or law enforcement department. 24445

Additionally, no proceeds or forfeited moneys shall be 24446
allocated to or used by the state highway patrol, the department 24447
of public safety, the department of taxation, the state board of 24448
pharmacy, or a county sheriff, prosecuting attorney, municipal 24449
corporation police department, township police department, 24450
township police district police force, office of the constable, or 24451
park district police force or law enforcement department unless 24452
the state highway patrol, department of public safety, department 24453
of taxation, state board of pharmacy, sheriff, prosecuting 24454
attorney, municipal corporation police department, township police 24455
department, township police district police force, office of the 24456
constable, or park district police force or law enforcement 24457
department has adopted a written internal control policy under 24458
division (D)(3) of this section that addresses the use of moneys 24459
received from the state highway patrol contraband, forfeiture, and 24460
other fund, the department of public safety investigative unit 24461
contraband, forfeiture, and other fund, the department of taxation 24462
enforcement fund, the board of pharmacy drug law enforcement fund, 24463
or the appropriate law enforcement trust fund. 24464

The state highway patrol contraband, forfeiture, and other 24465

fund, the department of public safety investigative unit 24466
contraband, forfeiture, and other fund, the department of taxation 24467
enforcement fund, and a law enforcement trust fund shall be 24468
expended only in accordance with the written internal control 24469
policy so adopted by the recipient, and, subject to the 24470
requirements specified in division (D)(3)(a)(ii) of this section, 24471
only to pay the costs of protracted or complex investigations or 24472
prosecutions, to provide reasonable technical training or 24473
expertise, to provide matching funds to obtain federal grants to 24474
aid law enforcement, in the support of DARE programs or other 24475
programs designed to educate adults or children with respect to 24476
the dangers associated with the use of drugs of abuse, to pay the 24477
costs of emergency action taken under section 3745.13 of the 24478
Revised Code relative to the operation of an illegal 24479
methamphetamine laboratory if the forfeited property or money 24480
involved was that of a person responsible for the operation of the 24481
laboratory, or for other law enforcement purposes that the 24482
superintendent of the state highway patrol, department of public 24483
safety, department of taxation, prosecuting attorney, county 24484
sheriff, legislative authority, board of township trustees, or 24485
board of park commissioners determines to be appropriate. The 24486
board of pharmacy drug law enforcement fund shall be expended only 24487
in accordance with the written internal control policy so adopted 24488
by the board and only in accordance with section 4729.65 of the 24489
Revised Code, except that it also may be expended to pay the costs 24490
of emergency action taken under section 3745.13 of the Revised 24491
Code relative to the operation of an illegal methamphetamine 24492
laboratory if the forfeited property or money involved was that of 24493
a person responsible for the operation of the laboratory. The 24494
state highway patrol contraband, forfeiture, and other fund, the 24495
department of public safety investigative unit contraband, 24496
forfeiture, and other fund, the department of taxation enforcement 24497
fund, the board of pharmacy drug law enforcement fund, and a law 24498

enforcement trust fund shall not be used to meet the operating 24499
costs of the state highway patrol, of the investigative unit of 24500
the department of public safety, of the department of taxation 24501
enforcement division, of the state board of pharmacy, of any 24502
political subdivision, or of any office of a prosecuting attorney 24503
or county sheriff that are unrelated to law enforcement. 24504

Proceeds and forfeited moneys that are paid into the state 24505
treasury to be deposited into the peace officer training 24506
commission fund shall be used by the commission only to pay the 24507
costs of peace officer training. 24508

Any sheriff or prosecuting attorney who receives proceeds or 24509
forfeited moneys pursuant to this division during any calendar 24510
year shall file a report with the county auditor, no later than 24511
the thirty-first day of January of the next calendar year, 24512
verifying that the proceeds and forfeited moneys were expended 24513
only for the purposes authorized by this division and division 24514
(D)(3)(a)(ii) of this section and specifying the amounts expended 24515
for each authorized purpose. Any municipal corporation police 24516
department that is allocated proceeds or forfeited moneys from a 24517
municipal corporation law enforcement trust fund pursuant to this 24518
division during any calendar year shall file a report with the 24519
legislative authority of the municipal corporation, no later than 24520
the thirty-first day of January of the next calendar year, 24521
verifying that the proceeds and forfeited moneys were expended 24522
only for the purposes authorized by this division and division 24523
(D)(3)(a)(ii) of this section and specifying the amounts expended 24524
for each authorized purpose. Any township police department, 24525
township police district police force, or office of the constable 24526
that is allocated proceeds or forfeited moneys from a township law 24527
enforcement trust fund pursuant to this division during any 24528
calendar year shall file a report with the board of township 24529
trustees of the township, no later than the thirty-first day of 24530

January of the next calendar year, verifying that the proceeds and 24531
forfeited moneys were expended only for the purposes authorized by 24532
this division and division (D)(3)(a)(ii) of this section and 24533
specifying the amounts expended for each authorized purpose. Any 24534
park district police force or law enforcement department that is 24535
allocated proceeds or forfeited moneys from a park district law 24536
enforcement trust fund pursuant to this division during any 24537
calendar year shall file a report with the board of park 24538
commissioners of the park district, no later than the thirty-first 24539
day of January of the next calendar year, verifying that the 24540
proceeds and forfeited moneys were expended only for the purposes 24541
authorized by this division and division (D)(3)(a)(ii) of this 24542
section and specifying the amounts expended for each authorized 24543
purpose. The superintendent of the state highway patrol shall file 24544
a report with the attorney general, no later than the thirty-first 24545
day of January of each calendar year, verifying that proceeds and 24546
forfeited moneys paid into the state highway patrol contraband, 24547
forfeiture, and other fund pursuant to this division during the 24548
prior calendar year were used by the state highway patrol during 24549
the prior calendar year only for the purposes authorized by this 24550
division and specifying the amounts expended for each authorized 24551
purpose. The executive director of the state board of pharmacy 24552
shall file a report with the attorney general, no later than the 24553
thirty-first day of January of each calendar year, verifying that 24554
proceeds and forfeited moneys paid into the board of pharmacy drug 24555
law enforcement fund during the prior calendar year were used only 24556
in accordance with section 4729.65 of the Revised Code and 24557
specifying the amounts expended for each authorized purpose. The 24558
peace officer training commission shall file a report with the 24559
attorney general, no later than the thirty-first day of January of 24560
each calendar year, verifying that proceeds and forfeited moneys 24561
paid into the peace officer training commission fund pursuant to 24562
this division during the prior calendar year were used by the 24563

commission during the prior calendar year only to pay the costs of 24564
peace officer training and specifying the amount used for that 24565
purpose. 24566

The tax commissioner shall file a report with the attorney 24567
general, not later than the thirty-first day of January of each 24568
calendar year, verifying that proceeds and forfeited moneys paid 24569
into the department of taxation enforcement fund pursuant to this 24570
division during the prior calendar year were used by the 24571
enforcement division during the prior calendar year to pay only 24572
the costs of enforcing the tax laws and specifying the amount used 24573
for that purpose. 24574

(2) If more than one law enforcement agency is substantially 24575
involved in the seizure of contraband that is forfeited pursuant 24576
to this section, the court ordering the forfeiture shall equitably 24577
divide the proceeds or forfeited moneys, after calculating any 24578
distribution to the law enforcement trust fund of the prosecuting 24579
attorney pursuant to division (D)(1)(c) of this section, among any 24580
county sheriff whose office is determined by the court to be 24581
substantially involved in the seizure, any legislative authority 24582
of a municipal corporation whose police department is determined 24583
by the court to be substantially involved in the seizure, any 24584
board of township trustees whose law enforcement agency is 24585
determined by the court to be substantially involved in the 24586
seizure, any board of park commissioners of a park district whose 24587
police force or law enforcement department is determined by the 24588
court to be substantially involved in the seizure, the state board 24589
of pharmacy if it is determined by the court to be substantially 24590
involved in the seizure, the investigative unit of the department 24591
of public safety if it is determined by the court to be 24592
substantially involved in the seizure, the enforcement division of 24593
the department of taxation if it is determined by the court to be 24594
substantially involved in the seizure and the controlling board 24595

approves the deposit of the proceeds or forfeited moneys into the fund, and the state highway patrol if it is determined by the court to be substantially involved in the seizure. The proceeds or forfeited moneys shall be deposited in the respective law enforcement trust funds of the county sheriff, municipal corporation, township, and park district, the board of pharmacy drug law enforcement fund, the department of public safety investigative unit contraband, forfeiture, and other fund, the department of taxation enforcement fund, or the state highway patrol contraband, forfeiture, and other fund, in accordance with division (D)(1)(c) of this section. If the controlling board does not approve deposit of the proceeds or forfeited moneys into the department of taxation enforcement fund or if a state law enforcement agency, other than the state highway patrol, the investigative unit of the department of public safety, the department of taxation, or the state board of pharmacy, is determined by the court to be substantially involved in the seizure, the state agency's equitable share of the proceeds and forfeited moneys shall be paid to the treasurer of state for deposit into the peace officer training commission fund.

(3)(a)(i) Prior to being allocated or using any proceeds or forfeited moneys out of the state highway patrol contraband, forfeiture, and other fund, the department of public safety investigative unit contraband, forfeiture, and other fund, the department of taxation enforcement fund, the board of pharmacy drug law enforcement fund, or a law enforcement trust fund under division (D)(1)(c) of this section, the state highway patrol, the department of public safety, the department of taxation, the state board of pharmacy, and a county sheriff, prosecuting attorney, municipal corporation police department, township police department, township police district police force, office of the constable, or park district police force or law enforcement department shall adopt a written internal control policy that

addresses the state highway patrol's, department of public 24629
safety's, department of taxation's, state board of pharmacy's, 24630
sheriff's, prosecuting attorney's, police department's, police 24631
force's, office of the constable's, or law enforcement 24632
department's use and disposition of all the proceeds and forfeited 24633
moneys received and that provides for the keeping of detailed 24634
financial records of the receipts of the proceeds and forfeited 24635
moneys, the general types of expenditures made out of the proceeds 24636
and forfeited moneys, the specific amount of each general type of 24637
expenditure, and the amounts, portions, and programs described in 24638
division (D)(3)(a)(ii) of this section. The policy shall not 24639
provide for or permit the identification of any specific 24640
expenditure that is made in an ongoing investigation. 24641

All financial records of the receipts of the proceeds and 24642
forfeited moneys, the general types of expenditures made out of 24643
the proceeds and forfeited moneys, the specific amount of each 24644
general type of expenditure by the state highway patrol, by the 24645
department of public safety, by the department of taxation, by the 24646
state board of pharmacy, and by a sheriff, prosecuting attorney, 24647
municipal corporation police department, township police 24648
department, township police district police force, office of the 24649
constable, or park district police force or law enforcement 24650
department, and the amounts, portions, and programs described in 24651
division (D)(3)(a)(ii) of this section are public records open for 24652
inspection under section 149.43 of the Revised Code. Additionally, 24653
a written internal control policy adopted under this division is a 24654
public record of that nature, and the state highway patrol, the 24655
department of public safety, the department of taxation, the state 24656
board of pharmacy, or the sheriff, prosecuting attorney, municipal 24657
corporation police department, township police department, 24658
township police district police force, office of the constable, or 24659
park district police force or law enforcement department that 24660
adopted it shall comply with it. 24661

(ii) The written internal control policy of a county sheriff, prosecuting attorney, municipal corporation police department, township police department, township police district police force, office of the constable, or park district police force or law enforcement department shall provide that at least ten per cent of the first one hundred thousand dollars of proceeds and forfeited moneys deposited during each calendar year in the sheriff's, prosecuting attorney's, municipal corporation's, township's, or park district's law enforcement trust fund pursuant to division (B)(7)(c)(ii) of section 2923.46 or division (B)(8)(c)(ii) of section 2925.44 of the Revised Code, and at least twenty per cent of the proceeds and forfeited moneys exceeding one hundred thousand dollars that are so deposited, shall be used in connection with community preventive education programs. The manner in which the described percentages are so used shall be determined by the sheriff, prosecuting attorney, department, police force, or office of the constable after the receipt and consideration of advice on appropriate community preventive education programs from the county's board of alcohol, drug addiction, and mental health services, from the county's alcohol and drug addiction services board, or through appropriate community dialogue. The financial records described in division (D)(3)(a)(i) of this section shall specify the amount of the proceeds and forfeited moneys deposited during each calendar year in the sheriff's, prosecuting attorney's, municipal corporation's, township's, or park district's law enforcement trust fund pursuant to division (B)(7)(c)(ii) of section 2923.46 or division (B)(8)(c)(ii) of section 2925.44 of the Revised Code, the portion of that amount that was used pursuant to the requirements of this division, and the community preventive education programs in connection with which the portion of that amount was so used.

As used in this division, "community preventive education

programs" includes, but is not limited to, DARE programs and other 24694
programs designed to educate adults or children with respect to 24695
the dangers associated with the use of drugs of abuse. 24696

(b) Each sheriff, prosecuting attorney, municipal corporation 24697
police department, township police department, township police 24698
district police force, office of the constable, or park district 24699
police force or law enforcement department that receives in any 24700
calendar year any proceeds or forfeited moneys out of a law 24701
enforcement trust fund under division (D)(1)(c) of this section or 24702
uses any proceeds or forfeited moneys in its law enforcement trust 24703
fund in any calendar year shall prepare a report covering the 24704
calendar year that cumulates all of the information contained in 24705
all of the public financial records kept by the sheriff, 24706
prosecuting attorney, municipal corporation police department, 24707
township police department, township police district police force, 24708
office of the constable, or park district police force or law 24709
enforcement department pursuant to division (D)(3)(a) of this 24710
section for that calendar year, and shall send a copy of the 24711
cumulative report, no later than the first day of March in the 24712
calendar year following the calendar year covered by the report, 24713
to the attorney general. 24714

The superintendent of the state highway patrol shall prepare 24715
a report covering each calendar year in which the state highway 24716
patrol uses any proceeds or forfeited moneys in the state highway 24717
patrol contraband, forfeiture, and other fund under division 24718
(D)(1)(c) of this section, that cumulates all of the information 24719
contained in all of the public financial records kept by the state 24720
highway patrol pursuant to division (D)(3)(a) of this section for 24721
that calendar year, and shall send a copy of the cumulative 24722
report, no later than the first day of March in the calendar year 24723
following the calendar year covered by the report, to the attorney 24724
general. 24725

The department of public safety shall prepare a report 24726
covering each fiscal year in which the department uses any 24727
proceeds or forfeited moneys in the department of public safety 24728
investigative unit contraband, forfeiture, and other fund under 24729
division (D)(1)(c) of this section that cumulates all of the 24730
information contained in all of the public financial records kept 24731
by the department pursuant to division (D)(3)(a) of this section 24732
for that fiscal year. The department shall send a copy of the 24733
cumulative report to the attorney general no later than the first 24734
day of August in the fiscal year following the fiscal year covered 24735
by the report. The director of public safety shall include in the 24736
report a verification that proceeds and forfeited moneys paid into 24737
the department of public safety investigative unit contraband, 24738
forfeiture, and other fund under division (D)(1)(c) of this 24739
section during the preceding fiscal year were used by the 24740
department during that fiscal year only for the purposes 24741
authorized by that division and shall specify the amount used for 24742
each authorized purpose. 24743

The tax commissioner shall prepare a report covering each 24744
calendar year in which the department of taxation enforcement 24745
division uses any proceeds or forfeited moneys in the department 24746
of taxation enforcement fund under division (D)(1)(c) of this 24747
section, that cumulates all of the information contained in all of 24748
the public financial records kept by the department of taxation 24749
enforcement division pursuant to division (D)(3)(a) of this 24750
section for that calendar year, and shall send a copy of the 24751
cumulative report, not later than the first day of March in the 24752
calendar year following the calendar year covered by the report, 24753
to the attorney general. 24754

The executive director of the state board of pharmacy shall 24755
prepare a report covering each calendar year in which the board 24756
uses any proceeds or forfeited moneys in the board of pharmacy 24757

drug law enforcement fund under division (D)(1)(c) of this 24758
section, that cumulates all of the information contained in all of 24759
the public financial records kept by the board pursuant to 24760
division (D)(3)(a) of this section for that calendar year, and 24761
shall send a copy of the cumulative report, no later than the 24762
first day of March in the calendar year following the calendar 24763
year covered by the report, to the attorney general. Each report 24764
received by the attorney general is a public record open for 24765
inspection under section 149.43 of the Revised Code. Not later 24766
than the fifteenth day of April in the calendar year in which the 24767
reports are received, the attorney general shall send to the 24768
president of the senate and the speaker of the house of 24769
representatives a written notification that does all of the 24770
following: 24771

(i) Indicates that the attorney general has received from 24772
entities or persons specified in this division reports of the type 24773
described in this division that cover the previous calendar year 24774
and indicates that the reports were received under this division; 24775

(ii) Indicates that the reports are open for inspection under 24776
section 149.43 of the Revised Code; 24777

(iii) Indicates that the attorney general will provide a copy 24778
of any or all of the reports to the president of the senate or the 24779
speaker of the house of representatives upon request. 24780

(4)(a) A law enforcement agency that receives pursuant to 24781
federal law proceeds from a sale of forfeited contraband, proceeds 24782
from another disposition of forfeited contraband, or forfeited 24783
contraband moneys shall deposit, use, and account for the proceeds 24784
or forfeited moneys in accordance with, and otherwise comply with, 24785
the applicable federal law. 24786

(b) If the state highway patrol receives pursuant to federal 24787
law proceeds from a sale of forfeited contraband, proceeds from 24788

another disposition of forfeited contraband, or forfeited 24789
contraband moneys, the appropriate governmental officials shall 24790
deposit into the state highway patrol contraband, forfeiture, and 24791
other fund all interest or other earnings derived from the 24792
investment of the proceeds or forfeited moneys. The state highway 24793
patrol shall use and account for that interest or other earnings 24794
in accordance with the applicable federal law. 24795

(c) If the investigative unit of the department of public 24796
safety receives pursuant to federal law proceeds from a sale of 24797
forfeited contraband, proceeds from another disposition of 24798
forfeited contraband, or forfeited contraband moneys, the 24799
appropriate governmental officials shall deposit into the 24800
department of public safety investigative unit contraband, 24801
forfeiture, and other fund all interest or other earnings derived 24802
from the investment of the proceeds or forfeited moneys. The 24803
department shall use and account for that interest or other 24804
earnings in accordance with the applicable federal law. 24805

(d) If the tax commissioner receives pursuant to federal law 24806
proceeds from a sale of forfeited contraband, proceeds from 24807
another disposition of forfeited contraband, or forfeited 24808
contraband moneys, the appropriate governmental officials, after 24809
obtaining approval from the controlling board, shall deposit into 24810
the department of taxation enforcement fund all interest or other 24811
earnings derived from the investment of the proceeds or forfeited 24812
moneys. The department shall use and account for that interest or 24813
other earnings in accordance with the applicable federal law. If 24814
the controlling board does not approve deposit of the interest or 24815
other earnings into the department of taxation enforcement fund, 24816
the interest or other earnings shall be paid to the treasurer of 24817
state for deposit into the peace officer training commission fund. 24818

(e) Divisions (D)(1) to (3) of this section do not apply to 24819
proceeds or forfeited moneys received pursuant to federal law or 24820

to the interest or other earnings that are derived from the 24821
investment of proceeds or forfeited moneys received pursuant to 24822
federal law and that are described in division (D)(4)(b) of this 24823
section. 24824

(E) Upon the sale pursuant to this section of any property 24825
that is required to be titled or registered under law, the state 24826
shall issue an appropriate certificate of title or registration to 24827
the purchaser. If the state is vested with title pursuant to 24828
division (C) of this section and elects to retain property that is 24829
required to be titled or registered under law, the state shall 24830
issue an appropriate certificate of title or registration. 24831

(F) Notwithstanding any provisions of this section to the 24832
contrary, any property that is lawfully seized in relation to a 24833
violation of section 2923.32 of the Revised Code shall be subject 24834
to forfeiture and disposition in accordance with sections 2923.32 24835
to 2923.36 of the Revised Code; any property that is forfeited 24836
pursuant to section 2923.44 or 2923.45 of the Revised Code in 24837
relation to a violation of section 2923.42 of the Revised Code or 24838
in relation to an act of a juvenile that is a violation of section 24839
2923.42 of the Revised Code may be subject to forfeiture and 24840
disposition in accordance with sections 2923.44 to 2923.47 of the 24841
Revised Code; and any property that is forfeited pursuant to 24842
section 2925.42 or 2925.43 of the Revised Code in relation to a 24843
felony drug abuse offense, as defined in section 2925.01 of the 24844
Revised Code, or in relation to an act that, if committed by an 24845
adult, would be a felony drug abuse offense of that nature, may be 24846
subject to forfeiture and disposition in accordance with sections 24847
2925.41 to 2925.45 of the Revised Code or this section. 24848

(G) Any failure of a law enforcement officer or agency, a 24849
prosecuting attorney, village solicitor, city director of law, or 24850
similar chief legal officer, a court, or the attorney general to 24851
comply with any duty imposed by this section in relation to any 24852

property seized or with any other provision of this section in 24853
relation to any property seized does not affect the validity of 24854
the seizure of the property, provided the seizure itself was made 24855
in accordance with law, and is not and shall not be considered to 24856
be the basis for the suppression of any evidence resulting from 24857
the seizure of the property, provided the seizure itself was made 24858
in accordance with law. 24859

(H) Contraband that has been forfeited pursuant to division 24860
(C) of this section shall not be available for use to pay any fine 24861
imposed upon a person who is convicted of or pleads guilty to an 24862
underlying criminal offense or a different offense arising out of 24863
the same facts and circumstances. 24864

Sec. 2935.36. (A) The prosecuting attorney may establish 24865
pre-trial diversion programs for adults who are accused of 24866
committing criminal offenses and whom the prosecuting attorney 24867
believes probably will not offend again. The prosecuting attorney 24868
may require, as a condition of an accused's participation in the 24869
program, the accused to pay a reasonable fee for supervision 24870
services that include, but are not limited to, monitoring and drug 24871
testing. The programs shall be operated pursuant to written 24872
standards approved by journal entry by the presiding judge or, in 24873
courts with only one judge, the judge of the court of common pleas 24874
and shall not be applicable to any of the following: 24875

(1) Repeat offenders or dangerous offenders; 24876

(2) Persons accused of an offense of violence, of a violation 24877
of section 2903.06, 2907.04, 2907.05, 2907.21, 2907.22, 2907.31, 24878
2907.32, 2907.34, 2911.31, 2919.12, 2919.13, 2919.22, 2921.02, 24879
2921.11, 2921.12, 2921.32, or 2923.20 of the Revised Code, or of a 24880
violation of section 2905.01, 2905.02, or 2919.23 of the Revised 24881
Code that, had it occurred prior to July 1, 1996, would have been 24882
a violation of section 2905.04 of the Revised Code as it existed 24883

prior to that date, with the exception that the prosecuting attorney may permit persons accused of any such offense to enter a pre-trial diversion program, if the prosecuting attorney finds any of the following:

(a) The accused did not cause, threaten, or intend serious physical harm to any person;

(b) The offense was the result of circumstances not likely to recur;

(c) The accused has no history of prior delinquency or criminal activity;

(d) The accused has led a law-abiding life for a substantial time before commission of the alleged offense;

(e) Substantial grounds tending to excuse or justify the alleged offense.

(3) Persons accused of a violation of Chapter 2925. or 3719. of the Revised Code;

(4) Drug dependent persons or persons in danger of becoming drug dependent persons, as defined in section 3719.011 of the Revised Code. However, this division does not affect the eligibility of such persons for intervention in lieu of conviction pursuant to section 2951.041 of the Revised Code.

(5) Persons accused of a violation of section 4511.19 of the Revised Code or a violation of any substantially similar municipal ordinance.

(B) An accused who enters a diversion program shall do all of the following:

(1) Waive, in writing and contingent upon the accused's successful completion of the program, the accused's right to a speedy trial, the preliminary hearing, the time period within which the grand jury may consider an indictment against the

accused, and arraignment, unless the hearing, indictment, or 24914
arraignment has already occurred; 24915

(2) Agree, in writing, to the tolling while in the program of 24916
all periods of limitation established by statutes or rules of 24917
court, that are applicable to the offense with which the accused 24918
is charged and to the conditions of the diversion program 24919
established by the prosecuting attorney; 24920

(3) Agree, in writing, to pay any reasonable fee for 24921
supervision services established by the prosecuting attorney. 24922

(C) The trial court, upon the application of the prosecuting 24923
attorney, shall order the release from confinement of any accused 24924
who has agreed to enter a pre-trial diversion program and shall 24925
discharge and release any existing bail and release any sureties 24926
on recognizances and shall release the accused on a recognizance 24927
bond conditioned upon the accused's compliance with the terms of 24928
the diversion program. The prosecuting attorney shall notify every 24929
victim of the crime and the arresting officers of the prosecuting 24930
attorney's intent to permit the accused to enter a pre-trial 24931
diversion program. The victim of the crime and the arresting 24932
officers shall have the opportunity to file written objections 24933
with the prosecuting attorney prior to the commencement of the 24934
pre-trial diversion program. 24935

(D) If the accused satisfactorily completes the diversion 24936
program, the prosecuting attorney shall recommend to the trial 24937
court that the charges against the accused be dismissed, and the 24938
court, upon the recommendation of the prosecuting attorney, shall 24939
dismiss the charges. If the accused chooses not to enter the 24940
prosecuting attorney's diversion program, or if the accused 24941
violates the conditions of the agreement pursuant to which the 24942
accused has been released, the accused may be brought to trial 24943
upon the charges in the manner provided by law, and the waiver 24944
executed pursuant to division (B)(1) of this section shall be void 24945

on the date the accused is removed from the program for the 24946
violation. 24947

(E) As used in this section: 24948

(1) "Repeat offender" means a person who has a history of 24949
persistent criminal activity and whose character and condition 24950
reveal a substantial risk that the person will commit another 24951
offense. It is prima-facie evidence that a person is a repeat 24952
offender if any of the following applies: 24953

(a) Having been convicted of one or more offenses of violence 24954
and having been imprisoned pursuant to sentence for any such 24955
offense, the person commits a subsequent offense of violence; 24956

(b) Having been convicted of one or more sexually oriented 24957
offenses as defined in section 2950.01 of the Revised Code and 24958
having been imprisoned pursuant to sentence for one or more of 24959
those offenses, the person commits a subsequent sexually oriented 24960
offense; 24961

(c) Having been convicted of one or more theft offenses as 24962
defined in section 2913.01 of the Revised Code and having been 24963
imprisoned pursuant to sentence for one or more of those theft 24964
offenses, the person commits a subsequent theft offense; 24965

(d) Having been convicted of one or more felony drug abuse 24966
offenses as defined in section 2925.01 of the Revised Code and 24967
having been imprisoned pursuant to sentence for one or more of 24968
those felony drug abuse offenses, the person commits a subsequent 24969
felony drug abuse offense; 24970

(e) Having been convicted of two or more felonies and having 24971
been imprisoned pursuant to sentence for one or more felonies, the 24972
person commits a subsequent offense; 24973

(f) Having been convicted of three or more offenses of any 24974
type or degree other than traffic offenses, alcoholic intoxication 24975

offenses, or minor misdemeanors and having been imprisoned 24976
pursuant to sentence for any such offense, the person commits a 24977
subsequent offense. 24978

(2) "Dangerous offender" means a person who has committed an 24979
offense, whose history, character, and condition reveal a 24980
substantial risk that the person will be a danger to others, and 24981
whose conduct has been characterized by a pattern of repetitive, 24982
compulsive, or aggressive behavior with heedless indifference to 24983
the consequences. 24984

Sec. 2949.091. (A)(1) The court, in which any person is 24985
convicted of or pleads guilty to any offense other than a traffic 24986
offense that is not a moving violation, shall impose the sum of 24987
~~eleven~~ fifteen dollars as costs in the case in addition to any 24988
other court costs that the court is required by law to impose upon 24989
the offender. All such moneys collected during a month shall be 24990
transmitted on or before the twentieth day of the following month 24991
by the clerk of the court to the treasurer of state and deposited 24992
by the treasurer of state into the general revenue fund. The court 24993
shall not waive the payment of the additional ~~eleven~~ fifteen 24994
dollars court costs, unless the court determines that the offender 24995
is indigent and waives the payment of all court costs imposed upon 24996
the indigent offender. 24997

(2) The juvenile court, in which a child is found to be a 24998
delinquent child or a juvenile traffic offender for an act which, 24999
if committed by an adult, would be an offense other than a traffic 25000
offense that is not a moving violation, shall impose the sum of 25001
~~eleven~~ fifteen dollars as costs in the case in addition to any 25002
other court costs that the court is required or permitted by law 25003
to impose upon the delinquent child or juvenile traffic offender. 25004
All such moneys collected during a month shall be transmitted on 25005
or before the twentieth day of the following month by the clerk of 25006

the court to the treasurer of state and deposited by the treasurer 25007
of state into the general revenue fund. The ~~eleven~~ fifteen dollars 25008
court costs shall be collected in all cases unless the court 25009
determines the juvenile is indigent and waives the payment of all 25010
court costs, or enters an order on its journal stating that it has 25011
determined that the juvenile is indigent, that no other court 25012
costs are to be taxed in the case, and that the payment of the 25013
~~eleven~~ fifteen dollars court costs is waived. 25014

(B) Whenever a person is charged with any offense other than 25015
a traffic offense that is not a moving violation and posts bail, 25016
the court shall add to the amount of the bail the ~~eleven~~ fifteen 25017
dollars required to be paid by division (A)(1) of this section. 25018
The ~~eleven~~ fifteen dollars shall be retained by the clerk of the 25019
court until the person is convicted, pleads guilty, forfeits bail, 25020
is found not guilty, or has the charges dismissed. If the person 25021
is convicted, pleads guilty, or forfeits bail, the clerk shall 25022
transmit the ~~eleven~~ fifteen dollars on or before the twentieth day 25023
of the month following the month in which the person was 25024
convicted, pleaded guilty, or forfeited bail to the treasurer of 25025
state, who shall deposit it into the general revenue fund. If the 25026
person is found not guilty or the charges are dismissed, the clerk 25027
shall return the ~~eleven~~ fifteen dollars to the person. 25028

(C) No person shall be placed or held in a detention facility 25029
for failing to pay the additional ~~eleven~~ fifteen dollars court 25030
costs or bail that are required to be paid by this section. 25031

(D) As used in this section: 25032

(1) "Moving violation" and "bail" have the same meanings as 25033
in section 2743.70 of the Revised Code. 25034

(2) "Detention facility" has the same meaning as in section 25035
2921.01 of the Revised Code. 25036

Sec. 3111.04. (A) An action to determine the existence or 25037
nonexistence of the father and child relationship may be brought 25038
by the child or the child's personal representative, the child's 25039
mother or her personal representative, a man alleged or alleging 25040
himself to be the child's father, the child support enforcement 25041
agency of the county in which the child resides if the child's 25042
mother is a recipient of public assistance or of services under 25043
Title IV-D of the "Social Security Act," 88 Stat. 2351 (1975), 42 25044
U.S.C.A. 651, as amended, or the alleged father's personal 25045
representative. 25046

(B) An agreement does not bar an action under this section. 25047

(C) If an action under this section is brought before the 25048
birth of the child and if the action is contested, all 25049
proceedings, except service of process and the taking of 25050
depositions to perpetuate testimony, may be stayed until after the 25051
birth. 25052

(D) A recipient of public assistance or of services under 25053
Title IV-D of the "Social Security Act," 88 Stat. 2351 (1975), 42 25054
U.S.C.A. 651, as amended, shall cooperate with the child support 25055
enforcement agency of the county in which a child resides to 25056
obtain an administrative determination pursuant to sections 25057
3111.38 to 3111.54 of the Revised Code, or, if necessary, a court 25058
determination pursuant to sections 3111.01 to 3111.18 of the 25059
Revised Code, of the existence or nonexistence of a parent and 25060
child relationship between the father and the child. If the 25061
recipient fails to cooperate, the agency may commence an action to 25062
determine the existence or nonexistence of a parent and child 25063
relationship between the father and the child pursuant to sections 25064
3111.01 to 3111.18 of the Revised Code. 25065

(E) As used in this section, "public assistance" means 25066
medical assistance under Chapter 5111. of the Revised Code, 25067

assistance under Chapter 5107. of the Revised Code, ~~or~~ disability 25068
financial assistance under Chapter 5115. of the Revised Code, or 25069
disability medical assistance under Chapter 5115. of the Revised 25070
Code. 25071

Sec. 3119.01. (A) As used in the Revised Code, "child support 25072
enforcement agency" means a child support enforcement agency 25073
designated under former section 2301.35 of the Revised Code prior 25074
to October 1, 1997, or a private or government entity designated 25075
as a child support enforcement agency under section 307.981 of the 25076
Revised Code. 25077

(B) As used in this chapter and Chapters 3121., 3123., and 25078
3125. of the Revised Code: 25079

(1) "Administrative child support order" means any order 25080
issued by a child support enforcement agency for the support of a 25081
child pursuant to section 3109.19 or 3111.81 of the Revised Code 25082
or former section 3111.211 of the Revised Code, section 3111.21 of 25083
the Revised Code as that section existed prior to January 1, 1998, 25084
or section 3111.20 or 3111.22 of the Revised Code as those 25085
sections existed prior to March 22, 2001. 25086

(2) "Child support order" means either a court child support 25087
order or an administrative child support order. 25088

(3) "Obligee" means the person who is entitled to receive the 25089
support payments under a support order. 25090

(4) "Obligor" means the person who is required to pay support 25091
under a support order. 25092

(5) "Support order" means either an administrative child 25093
support order or a court support order. 25094

(C) As used in this chapter: 25095

(1) "Combined gross income" means the combined gross income 25096
of both parents. 25097

(2) "Court child support order" means any order issued by a court for the support of a child pursuant to Chapter 3115. of the Revised Code, section 2151.23, 2151.231, 2151.232, 2151.33, 2151.36, 2151.361, 2151.49, 3105.21, 3109.05, 3109.19, 3111.13, 3113.04, 3113.07, 3113.31, 3119.65, or 3119.70 of the Revised Code, or division (B) of former section 3113.21 of the Revised Code.

(3) "Court support order" means either a court child support order or an order for the support of a spouse or former spouse issued pursuant to Chapter 3115. of the Revised Code, section 3105.18, 3105.65, or 3113.31 of the Revised Code, or division (B) of former section 3113.21 of the Revised Code.

(4) "Extraordinary medical expenses" means any uninsured medical expenses incurred for a child during a calendar year that exceed one hundred dollars.

(5) "Income" means either of the following:

(a) For a parent who is employed to full capacity, the gross income of the parent;

(b) For a parent who is unemployed or underemployed, the sum of the gross income of the parent and any potential income of the parent.

(6) "Insurer" means any person authorized under Title XXXIX of the Revised Code to engage in the business of insurance in this state, any health insuring corporation, and any legal entity that is self-insured and provides benefits to its employees or members.

(7) "Gross income" means, except as excluded in division (C)(7) of this section, the total of all earned and unearned income from all sources during a calendar year, whether or not the income is taxable, and includes income from salaries, wages, overtime pay, and bonuses to the extent described in division (D)

of section 3119.05 of the Revised Code; commissions; royalties; 25128
tips; rents; dividends; severance pay; pensions; interest; trust 25129
income; annuities; social security benefits, including retirement, 25130
disability, and survivor benefits that are not means-tested; 25131
workers' compensation benefits; unemployment insurance benefits; 25132
disability insurance benefits; benefits that are not means-tested 25133
and that are received by and in the possession of the veteran who 25134
is the beneficiary for any service-connected disability under a 25135
program or law administered by the United States department of 25136
veterans' affairs or veterans' administration; spousal support 25137
actually received; and all other sources of income. "Gross income" 25138
includes income of members of any branch of the United States 25139
armed services or national guard, including, amounts representing 25140
base pay, basic allowance for quarters, basic allowance for 25141
subsistence, supplemental subsistence allowance, cost of living 25142
adjustment, specialty pay, variable housing allowance, and pay for 25143
training or other types of required drills; self-generated income; 25144
and potential cash flow from any source. 25145

"Gross income" does not include any of the following: 25146

(a) Benefits received from means-tested government 25147
administered programs, including Ohio works first; prevention, 25148
retention, and contingency; means-tested veterans' benefits; 25149
supplemental security income; food stamps; disability financial 25150
assistance; or other assistance for which eligibility is 25151
determined on the basis of income or assets; 25152

(b) Benefits for any service-connected disability under a 25153
program or law administered by the United States department of 25154
veterans' affairs or veterans' administration that are not 25155
means-tested, that have not been distributed to the veteran who is 25156
the beneficiary of the benefits, and that are in the possession of 25157
the United States department of veterans' affairs or veterans' 25158
administration; 25159

(c) Child support received for children who were not born or adopted during the marriage at issue;	25160 25161
(d) Amounts paid for mandatory deductions from wages such as union dues but not taxes, social security, or retirement in lieu of social security;	25162 25163 25164
(e) Nonrecurring or unsustainable income or cash flow items;	25165
(f) Adoption assistance and foster care maintenance payments made pursuant to Title IV-E of the "Social Security Act," 94 Stat. 501, 42 U.S.C.A. 670 (1980), as amended.	25166 25167 25168
(8) "Nonrecurring or unsustainable income or cash flow item" means an income or cash flow item the parent receives in any year or for any number of years not to exceed three years that the parent does not expect to continue to receive on a regular basis. "Nonrecurring or unsustainable income or cash flow item" does not include a lottery prize award that is not paid in a lump sum or any other item of income or cash flow that the parent receives or expects to receive for each year for a period of more than three years or that the parent receives and invests or otherwise uses to produce income or cash flow for a period of more than three years.	25169 25170 25171 25172 25173 25174 25175 25176 25177 25178
(9)(a) "Ordinary and necessary expenses incurred in generating gross receipts" means actual cash items expended by the parent or the parent's business and includes depreciation expenses of business equipment as shown on the books of a business entity.	25179 25180 25181 25182
(b) Except as specifically included in "ordinary and necessary expenses incurred in generating gross receipts" by division (C)(9)(a) of this section, "ordinary and necessary expenses incurred in generating gross receipts" does not include depreciation expenses and other noncash items that are allowed as deductions on any federal tax return of the parent or the parent's business.	25183 25184 25185 25186 25187 25188 25189

(10) "Personal earnings" means compensation paid or payable 25190
for personal services, however denominated, and includes wages, 25191
salary, commissions, bonuses, draws against commissions, profit 25192
sharing, vacation pay, or any other compensation. 25193

(11) "Potential income" means both of the following for a 25194
parent who the court pursuant to a court support order, or a child 25195
support enforcement agency pursuant to an administrative child 25196
support order, determines is voluntarily unemployed or voluntarily 25197
underemployed: 25198

(a) Imputed income that the court or agency determines the 25199
parent would have earned if fully employed as determined from the 25200
following criteria: 25201

(i) The parent's prior employment experience; 25202

(ii) The parent's education; 25203

(iii) The parent's physical and mental disabilities, if any; 25204

(iv) The availability of employment in the geographic area in 25205
which the parent resides; 25206

(v) The prevailing wage and salary levels in the geographic 25207
area in which the parent resides; 25208

(vi) The parent's special skills and training; 25209

(vii) Whether there is evidence that the parent has the 25210
ability to earn the imputed income; 25211

(viii) The age and special needs of the child for whom child 25212
support is being calculated under this section; 25213

(ix) The parent's increased earning capacity because of 25214
experience; 25215

(x) Any other relevant factor. 25216

(b) Imputed income from any nonincome-producing assets of a 25217
parent, as determined from the local passbook savings rate or 25218

another appropriate rate as determined by the court or agency, not 25219
to exceed the rate of interest specified in division (A) of 25220
section 1343.03 of the Revised Code, if the income is significant. 25221

(12) "Schedule" means the basic child support schedule set 25222
forth in section 3119.021 of the Revised Code. 25223

(13) "Self-generated income" means gross receipts received by 25224
a parent from self-employment, proprietorship of a business, joint 25225
ownership of a partnership or closely held corporation, and rents 25226
minus ordinary and necessary expenses incurred by the parent in 25227
generating the gross receipts. "Self-generated income" includes 25228
expense reimbursements or in-kind payments received by a parent 25229
from self-employment, the operation of a business, or rents, 25230
including company cars, free housing, reimbursed meals, and other 25231
benefits, if the reimbursements are significant and reduce 25232
personal living expenses. 25233

(14) "Split parental rights and responsibilities" means a 25234
situation in which there is more than one child who is the subject 25235
of an allocation of parental rights and responsibilities and each 25236
parent is the residential parent and legal custodian of at least 25237
one of those children. 25238

(15) "Worksheet" means the applicable worksheet that is used 25239
to calculate a parent's child support obligation as set forth in 25240
sections 3119.022 and 3119.023 of the Revised Code. 25241

Sec. 3121.01. As used in this chapter: 25242

(A) "Court child support order," "court support order," and 25243
"personal earnings" have the same meanings as in section 3119.01 25244
of the Revised Code. 25245

(B) "Default" means any failure to pay under a support order 25246
that is an amount greater than or equal to the amount of support 25247
payable under the support order for one month. 25248

(C) "Financial institution" means a bank, savings and loan association, or credit union, or a regulated investment company or mutual fund.

(D) "Income" means any form of monetary payment, including personal earnings; workers' compensation payments; unemployment compensation benefits to the extent permitted by, and in accordance with, sections 3121.07 and 4141.284 of the Revised Code, and federal law governing the department of job and family services; pensions; annuities; allowances; private or governmental retirement benefits; disability or sick pay; insurance proceeds; lottery prize awards; federal, state, or local government benefits to the extent that the benefits can be withheld or deducted under the law governing the benefits; any form of trust fund or endowment; lump sum payments, including a one-time pay supplement of one hundred fifty dollars or more paid under section 124.183 of the Revised Code; and any other payment in money.

(E) "Payor" means any person or entity that pays or distributes income to an obligor, including an obligor if the obligor is self-employed; an employer; an employer paying an obligor's workers' compensation benefits; the public employees retirement board; the governing entity of a municipal retirement system; the board of trustees of the Ohio police and fire pension fund; the state teachers retirement board; the school employees retirement board; the state highway patrol retirement board; a provider, as defined in section 3305.01 of the Revised Code; the bureau of workers' compensation; or any other person or entity other than the department of job and family services with respect to unemployment compensation benefits paid pursuant to Chapter 4141. of the Revised Code.

Sec. 3123.952. A child support enforcement agency may submit the name of a delinquent obligor to the office of child support

for inclusion on a poster only if all of the following apply: 25280

(A) The obligor is subject to a support order and there has 25281
been an attempt to enforce the order through a public notice, a 25282
wage withholding order, a lien on property, a financial 25283
institution deduction order, or other court-ordered procedures. 25284

(B) The department of job and family services reviewed the 25285
obligor's records and confirms the child support enforcement 25286
agency's finding that the obligor's name and photograph may be 25287
submitted to be displayed on a poster. 25288

(C) The agency does not know or is unable to verify the 25289
obligor's whereabouts. 25290

(D) The obligor is not a participant in Ohio works first or 25291
the prevention, retention, and contingency program or a recipient 25292
of disability financial assistance, supplemental security income, 25293
or food stamps. 25294

(E) The child support enforcement agency does not have 25295
evidence that the obligor has filed for protection under the 25296
federal Bankruptcy Code, 11 U.S.C.A. 101, as amended. 25297

(F) The obligee gave written authorization to the agency to 25298
display the obligor on a poster. 25299

(G) A legal representative of the agency and a child support 25300
enforcement administrator reviewed the case. 25301

(H) The agency is able to submit to the department a 25302
description and photograph of the obligor, a statement of the 25303
possible locations of the obligor, and any other information 25304
required by the department. 25305

Sec. 3125.12. Each child support enforcement agency shall 25306
enter into a plan of cooperation with the board of county 25307
commissioners under section 307.983 of the Revised Code and comply 25308
with ~~the partnership~~ each fiscal agreement the board enters into 25309

under section 307.98 and contracts the board enters into under 25310
sections 307.981 and 307.982 of the Revised Code that affect the 25311
agency. 25312

Sec. 3301.0710. The state board of education shall adopt 25313
rules establishing a statewide program to test student 25314
achievement. The state board shall ensure that all tests 25315
administered under the testing program are aligned with the 25316
academic standards and model curricula adopted by the state board 25317
and are created with input from Ohio parents, Ohio classroom 25318
teachers, Ohio school administrators, and other Ohio school 25319
personnel pursuant to section 3301.079 of the Revised Code. 25320

The testing program shall be designed to ensure that students 25321
who receive a high school diploma demonstrate at least high school 25322
levels of achievement in reading, writing, mathematics, science, 25323
and social studies. 25324

(A)(1) The state board shall prescribe all of the following: 25325

(a) A statewide achievement test designed to measure the 25326
level of reading skill expected at the end of third grade; 25327

(b) Two statewide achievement tests, one each designed to 25328
measure the level of writing and mathematics skill expected at the 25329
end of fourth grade; 25330

(c) Two statewide achievement tests, one each designed to 25331
measure the level of science and social studies skill expected at 25332
the end of fifth grade; 25333

(d) Three statewide achievement tests, one each designed to 25334
measure the level of reading, writing, and mathematics skill 25335
expected at the end of seventh grade; 25336

(e) Two statewide achievement tests, one each designed to 25337
measure the level of science and social studies skill expected at 25338
the end of eighth grade. 25339

(2) The state board shall determine and designate at least 25340
four ranges of scores on each of the achievement tests described 25341
in division (A)(1) of this section. Each range of scores shall be 25342
deemed to demonstrate a level of achievement so that any student 25343
attaining a score within such range has achieved one of the 25344
following: 25345

(a) An advanced level of skill; 25346

(b) A proficient level of skill; 25347

(c) A basic level of skill; 25348

(d) A below basic level of skill. 25349

(B) The tests prescribed under this division shall 25350
collectively be known as the Ohio graduation tests. The state 25351
board shall prescribe five statewide high school achievement 25352
tests, one each designed to measure the level of reading, writing, 25353
mathematics, science, and social studies skill expected at the end 25354
of tenth grade, and shall determine and designate the score on 25355
each such test that shall be deemed to demonstrate that any 25356
student attaining such score has achieved at least a proficient 25357
level of skill appropriate for tenth grade. 25358

The state board may enter into a reciprocal agreement with 25359
the appropriate body or agency of any other state that has similar 25360
statewide achievement testing requirements for receiving high 25361
school diplomas, under which any student who has met an 25362
achievement testing requirement of one state is recognized as 25363
having met the similar achievement testing requirement of the 25364
other state for purposes of receiving a high school diploma. For 25365
purposes of this section and sections 3301.0711 and 3313.61 of the 25366
Revised Code, any student enrolled in any public high school in 25367
this state who has met an achievement testing requirement 25368
specified in a reciprocal agreement entered into under this 25369
division shall be deemed to have attained at least the applicable 25370

score designated under this division on each test required by this 25371
division that is specified in the agreement. 25372

(C) The state board shall annually designate as follows the 25373
dates on which the tests prescribed under this section shall be 25374
administered: 25375

(1) For the test prescribed under division (A)(1)(a) of this 25376
section, as follows: 25377

(a) One date prior to the thirty-first day of December each 25378
school year; 25379

(b) At least one date of each school year that is not earlier 25380
than Monday of the week containing the eighth day of March; 25381

(c) One date during the summer for students receiving summer 25382
remediation services under section 3313.608 of the Revised Code. 25383

(2) For the tests prescribed under divisions (A)(1)(b), (c), 25384
(d), and (e) of this section, at least one date of each school 25385
year that is not earlier than Monday of the week containing the 25386
eighth day of March; 25387

(3) For the tests prescribed under division (B) of this 25388
section, at least one date in each school year that is not earlier 25389
than Monday of the week containing the fifteenth day of March for 25390
all tenth grade students and at least one date prior to the 25391
thirty-first day of December and at least one date subsequent to 25392
that date but prior to the thirty-first day of March of each 25393
school year for eleventh and twelfth grade students. 25394

(D) In prescribing test dates pursuant to division (C)(3) of 25395
this section, the board shall, to the greatest extent practicable, 25396
provide options to school districts in the case of tests 25397
administered under that division to eleventh and twelfth grade 25398
students and in the case of tests administered to students 25399
pursuant to division (C)(2) of section 3301.0711 of the Revised 25400

Code. Such options shall include at least an opportunity for 25401
school districts to give such tests outside of regular school 25402
hours. 25403

(E) In prescribing test dates pursuant to this section, the 25404
state board of education shall designate the dates in such a way 25405
as to allow a reasonable length of time between the administration 25406
of tests prescribed under this section and any administration of 25407
the National Assessment of Education Progress Test given to 25408
students in the same grade level pursuant to section 3301.27 of 25409
the Revised Code. 25410

(F) The state board shall prescribe a practice version of 25411
each Ohio graduation test described in division (B) of this 25412
section that is of comparable length to the actual test. 25413

Sec. 3301.0711. (A) The department of education shall: 25414

(1) Annually furnish to, grade, and score all tests required 25415
by section 3301.0710 of the Revised Code to be administered by 25416
city, local, exempted village, and joint vocational school 25417
districts, except that each district shall score any test 25418
administered pursuant to division (B)(8) of this section. In 25419
furnishing the practice versions of Ohio graduation tests 25420
prescribed by division (F) of section 3301.0710 of the Revised 25421
Code, the department shall make the tests available on its website 25422
for reproduction by districts. In awarding contracts for grading 25423
tests, the department shall give preference to Ohio-based entities 25424
employing Ohio residents. 25425

(2) Adopt rules for the ethical use of tests and prescribing 25426
the manner in which the tests prescribed by section 3301.0710 of 25427
the Revised Code shall be administered to students. 25428

(B) Except as provided in divisions (C) and (J) of this 25429
section, the board of education of each city, local, and exempted 25430

village school district shall, in accordance with rules adopted 25431
under division (A) of this section: 25432

(1) Administer the test prescribed under division (A)(1)(a) 25433
of section 3301.0710 of the Revised Code twice annually to all 25434
students in the third grade who have not attained the score 25435
designated for that test under division (A)(2)(b) of section 25436
3301.0710 of the Revised Code and once each summer to students 25437
receiving summer remediation services under section 3313.608 of 25438
the Revised Code. 25439

(2) Administer the tests prescribed under division (A)(1)(b) 25440
of section 3301.0710 of the Revised Code at least once annually to 25441
all students in the fourth grade. 25442

(3) Administer the tests prescribed under division (A)(1)(c) 25443
of section 3301.0710 of the Revised Code at least once annually to 25444
all students in the fifth grade. 25445

(4) Administer the tests prescribed under division (A)(1)(d) 25446
of section 3301.0710 of the Revised Code at least once annually to 25447
all students in the seventh grade. 25448

(5) Administer the tests prescribed under division (A)(1)(e) 25449
of section 3301.0710 of the Revised Code at least once annually to 25450
all students in the eighth grade. 25451

(6) Except as provided in division (B)(7) of this ~~sections~~ 25452
section, administer any test prescribed under division (B) of 25453
section 3301.0710 of the Revised Code as follows: 25454

(a) At least once annually to all tenth grade students and at 25455
least twice annually to all students in eleventh or twelfth grade 25456
who have not yet attained the score on that test designated under 25457
that division; 25458

(b) To any person who has successfully completed the 25459
curriculum in any high school or the individualized education 25460

program developed for the person by any high school pursuant to 25461
section 3323.08 of the Revised Code but has not received a high 25462
school diploma and who requests to take such test, at any time 25463
such test is administered in the district. 25464

(7) In lieu of the board of education of any city, local, or 25465
exempted village school district in which the student is also 25466
enrolled, the board of a joint vocational school district shall 25467
administer any test prescribed under division (B) of section 25468
3301.0710 of the Revised Code at least twice annually to any 25469
student enrolled in the joint vocational school district who has 25470
not yet attained the score on that test designated under that 25471
division. A board of a joint vocational school district may also 25472
administer such a test to any student described in division 25473
(B)(6)(b) of this section. 25474

(8) If the district has been declared to be under an academic 25475
watch or in a state of academic emergency pursuant to section 25476
3302.03 of the Revised Code, administer each test prescribed by 25477
division (F) of section 3301.0710 of the Revised Code in September 25478
to all ninth grade students, beginning in the school year that 25479
starts July 1, 2004. 25480

(C)(1)(a) Any student receiving special education services 25481
under Chapter 3323. of the Revised Code may be excused from taking 25482
any particular test required to be administered under this section 25483
if the individualized education program developed for the student 25484
pursuant to section 3323.08 of the Revised Code excuses the 25485
student from taking that test and instead specifies an alternate 25486
assessment method approved by the department of education as 25487
conforming to requirements of federal law for receipt of federal 25488
funds for disadvantaged pupils. To the extent possible, the 25489
individualized education program shall not excuse the student from 25490
taking a test unless no reasonable accommodation can be made to 25491
enable the student to take the test. 25492

(b) Any alternate assessment approved by the department for a student under this division shall produce measurable results comparable to those produced by the tests which the alternate assessments are replacing in order to allow for the student's assessment results to be included in the data compiled for a school district under section 3302.03 of the Revised Code.

(c) Any student enrolled in a chartered nonpublic school who has been identified, based on an evaluation conducted in accordance with section 3323.03 of the Revised Code or section 504 of the "Rehabilitation Act of 1973," 87 Stat. 355, 29 U.S.C.A. 794, as amended, as a child with a disability shall be excused from taking any particular test required to be administered under this section if a plan developed for the student pursuant to rules adopted by the state board excuses the student from taking that test. In the case of any student so excused from taking a test, the chartered nonpublic school shall not prohibit the student from taking the test.

(2) A district board may, for medical reasons or other good cause, excuse a student from taking a test administered under this section on the date scheduled, but any such test shall be administered to such excused student not later than nine days following the scheduled date. The board shall annually report the number of students who have not taken one or more of the tests required by this section to the state board of education not later than the thirtieth day of June.

(3) As used in this division, "English-limited student" means a student whose primary language is not English, who has been enrolled in United States schools for less than three full school years, and who within the school year has been identified, in accordance with criteria provided by the department of education, as lacking adequate proficiency in English for a test under this section to produce valid results with respect to that student's

academic progress. 25525

A school district board or governing authority of a nonpublic 25526
school may grant a temporary, one-year exemption from any test 25527
administered under this section to an English-limited student. Not 25528
more than three temporary one-year exemptions may be granted to 25529
any student. During any school year in which a student is excused 25530
from taking one or more tests administered under this section, the 25531
school district shall assess that student's progress in learning 25532
English, in accordance with procedures approved by the department. 25533

No district board or governing authority of a chartered 25534
nonpublic school shall prohibit an English-limited student from 25535
taking a test under this section. 25536

(D) This division does not apply to any student receiving 25537
services pursuant to an individualized education program developed 25538
for the student pursuant to section 3323.08 of the Revised Code. 25539

(1) In the school year next succeeding the school year in 25540
which the tests prescribed by division (A)(1) of section 3301.0710 25541
of the Revised Code or former division (A)(1), (A)(2), or (B) of 25542
section 3301.0710 of the Revised Code as it existed prior to the 25543
effective date of this amendment September 11, 2001, are 25544
administered to any student, the board of education of any school 25545
district in which the student is enrolled in that year shall 25546
provide to the student intervention services commensurate with the 25547
student's test performance, including any intensive intervention 25548
required under section 3313.608 of the Revised Code, in any skill 25549
in which the student failed to demonstrate at least a score at the 25550
proficient level on a proficiency test or a score in the basic 25551
range on an achievement test. ~~This division does not apply to any 25552
student receiving services pursuant to an individualized education 25553
program developed for the student pursuant to section 3323.08 of 25554
the Revised Code. 25555~~

(2) Following any administration of the tests prescribed by 25556
division (F) of section 3301.0710 of the Revised Code to ninth 25557
grade students, each school district that has been declared to be 25558
in a state of academic emergency pursuant to section 3302.03 of 25559
the Revised Code shall determine for each high school in the 25560
district whether the school shall be required to provide 25561
intervention services to any students who took the tests. In 25562
determining which high schools shall provide intervention services 25563
based on the resources available, the district shall consider each 25564
school's graduation rate and scores on the practice tests. If any 25565
achievement tests in reading and math are adopted by the state 25566
board of education for administration in the eighth grade, the 25567
district also shall consider the scores received by ninth grade 25568
students on those tests in the eighth grade in determining which 25569
high schools shall provide intervention services. 25570

Each high school selected to provide intervention services 25571
under this division shall provide intervention services to any 25572
student whose test results indicate that the student is failing to 25573
make satisfactory progress toward being able to attain scores at 25574
the proficient level on the Ohio Graduation Tests. Intervention 25575
services shall be provided in any skill in which a student 25576
demonstrates unsatisfactory progress and shall be commensurate 25577
with the student's test performance. Schools shall provide the 25578
intervention services prior to the end of the school year, during 25579
the summer following the ninth grade, in the next succeeding 25580
school year, or at any combination of those times. 25581

(E) Except as provided in section 3313.608 of the Revised 25582
Code and division (M) of this section, no school district board of 25583
education shall utilize any student's failure to attain a 25584
specified score on any test administered under this section as a 25585
factor in any decision to deny the student promotion to a higher 25586
grade level. However, a district board may choose not to promote 25587

to the next grade level any student who does not take any test 25588
administered under this section or make up such test as provided 25589
by division (C)(2) of this section and who is not exempted from 25590
the requirement to take the test under division (C)(1) or (3) of 25591
this section. 25592

(F) No person shall be charged a fee for taking any test 25593
administered under this section. 25594

(G) Not later than sixty days after any administration of any 25595
test prescribed by section 3301.0710 of the Revised Code, the 25596
department shall send to each school district board a list of the 25597
individual test scores of all persons taking the test. For any 25598
tests administered under this section by a joint vocational school 25599
district, the department shall also send to each city, local, or 25600
exempted village school district a list of the individual test 25601
scores of any students of such city, local, or exempted village 25602
school district who are attending school in the joint vocational 25603
school district. 25604

(H) Individual test scores on any tests administered under 25605
this section shall be released by a district board only in 25606
accordance with section 3319.321 of the Revised Code and the rules 25607
adopted under division (A) of this section. No district board or 25608
its employees shall utilize individual or aggregate test results 25609
in any manner that conflicts with rules for the ethical use of 25610
tests adopted pursuant to division (A) of this section. 25611

(I) Except as provided in division (G) of this section, the 25612
department shall not release any individual test scores on any 25613
test administered under this section and shall adopt rules to 25614
ensure the protection of student confidentiality at all times. 25615

(J) Notwithstanding division (D) of section 3311.52 of the 25616
Revised Code, this section does not apply to the board of 25617
education of any cooperative education school district except as 25618

provided under rules adopted pursuant to this division. 25619

(1) In accordance with rules that the state board of 25620
education shall adopt, the board of education of any city, 25621
exempted village, or local school district with territory in a 25622
cooperative education school district established pursuant to 25623
divisions (A) to (C) of section 3311.52 of the Revised Code may 25624
enter into an agreement with the board of education of the 25625
cooperative education school district for administering any test 25626
prescribed under this section to students of the city, exempted 25627
village, or local school district who are attending school in the 25628
cooperative education school district. 25629

(2) In accordance with rules that the state board of 25630
education shall adopt, the board of education of any city, 25631
exempted village, or local school district with territory in a 25632
cooperative education school district established pursuant to 25633
section 3311.521 of the Revised Code shall enter into an agreement 25634
with the cooperative district that provides for the administration 25635
of any test prescribed under this section to both of the 25636
following: 25637

(a) Students who are attending school in the cooperative 25638
district and who, if the cooperative district were not 25639
established, would be entitled to attend school in the city, 25640
local, or exempted village school district pursuant to section 25641
3313.64 or 3313.65 of the Revised Code; 25642

(b) Persons described in division (B)(6)(b) of this section. 25643

Any testing of students pursuant to such an agreement shall 25644
be in lieu of any testing of such students or persons pursuant to 25645
this section. 25646

(K)(1) Any chartered nonpublic school may participate in the 25647
testing program by administering any of the tests prescribed by 25648
section 3301.0710 of the Revised Code if the chief administrator 25649

of the school specifies which tests the school wishes to 25650
administer. Such specification shall be made in writing to the 25651
superintendent of public instruction prior to the first day of 25652
August of any school year in which tests are administered and 25653
shall include a pledge that the nonpublic school will administer 25654
the specified tests in the same manner as public schools are 25655
required to do under this section and rules adopted by the 25656
department. 25657

(2) The department of education shall furnish the tests 25658
prescribed by section 3301.0710 of the Revised Code to any 25659
chartered nonpublic school electing to participate under this 25660
division. 25661

(L)(1) The superintendent of the state school for the blind 25662
and the superintendent of the state school for the deaf shall 25663
administer the tests described by section 3301.0710 of the Revised 25664
Code. Each superintendent shall administer the tests in the same 25665
manner as district boards are required to do under this section 25666
and rules adopted by the department of education and in conformity 25667
with division (C)(1)(a) of this section. 25668

(2) The department of education shall furnish the tests 25669
described by section 3301.0710 of the Revised Code to each 25670
superintendent. 25671

(M) Notwithstanding division (E) of this section, a school 25672
district may use a student's failure to attain a score in at least 25673
the basic range on any of the tests described by division 25674
(A)(1)(b), (c), (d), or (e) of section 3301.0710 of the Revised 25675
Code as a factor in retaining that student in the current grade 25676
level. 25677

(N)(1) All tests required by section 3301.0710 of the Revised 25678
Code shall become public records pursuant to section 149.43 of the 25679
Revised Code on the first day of July following the school year 25680

that the test was administered. 25681

(2) The department may field test proposed test questions 25682
with samples of students to determine the validity, reliability, 25683
or appropriateness of test questions for possible inclusion in a 25684
future year's test. 25685

Field test questions shall not be considered in computing 25686
test scores for individual students. Field test questions may be 25687
included as part of the administration of any test required by 25688
section 3301.0710 of the Revised Code. 25689

(3) Any field test question administered under division 25690
(N)(2) of this section shall not be a public record. Such field 25691
test questions shall be redacted from any tests which are released 25692
as a public record pursuant to division (N)(1) of this section. 25693

Sec. 3301.0714. (A) The state board of education shall adopt 25694
rules for a statewide education management information system. The 25695
rules shall require the state board to establish guidelines for 25696
the establishment and maintenance of the system in accordance with 25697
this section and the rules adopted under this section. The 25698
guidelines shall include: 25699

(1) Standards identifying and defining the types of data in 25700
the system in accordance with divisions (B) and (C) of this 25701
section; 25702

(2) Procedures for annually collecting and reporting the data 25703
to the state board in accordance with division (D) of this 25704
section; 25705

(3) Procedures for annually compiling the data in accordance 25706
with division (G) of this section; 25707

(4) Procedures for annually reporting the data to the public 25708
in accordance with division (H) of this section. 25709

(B) The guidelines adopted under this section shall require 25710

the data maintained in the education management information system 25711
to include at least the following: 25712

(1) Student participation and performance data, for each 25713
grade in each school district as a whole and for each grade in 25714
each school building in each school district, that includes: 25715

(a) The numbers of students receiving each category of 25716
instructional service offered by the school district, such as 25717
regular education instruction, vocational education instruction, 25718
specialized instruction programs or enrichment instruction that is 25719
part of the educational curriculum, instruction for gifted 25720
students, instruction for handicapped students, and remedial 25721
instruction. The guidelines shall require instructional services 25722
under this division to be divided into discrete categories if an 25723
instructional service is limited to a specific subject, a specific 25724
type of student, or both, such as regular instructional services 25725
in mathematics, remedial reading instructional services, 25726
instructional services specifically for students gifted in 25727
mathematics or some other subject area, or instructional services 25728
for students with a specific type of handicap. The categories of 25729
instructional services required by the guidelines under this 25730
division shall be the same as the categories of instructional 25731
services used in determining cost units pursuant to division 25732
(C)(3) of this section. 25733

(b) The numbers of students receiving support or 25734
extracurricular services for each of the support services or 25735
extracurricular programs offered by the school district, such as 25736
counseling services, health services, and extracurricular sports 25737
and fine arts programs. The categories of services required by the 25738
guidelines under this division shall be the same as the categories 25739
of services used in determining cost units pursuant to division 25740
(C)(4)(a) of this section. 25741

(c) Average student grades in each subject in grades nine 25742

through twelve;	25743
(d) Academic achievement levels as assessed by the testing of student achievement under sections 3301.0710 and 3301.0711 of the Revised Code;	25744 25745 25746
(e) The number of students designated as having a handicapping condition pursuant to division (C)(1) of section 3301.0711 of the Revised Code;	25747 25748 25749
(f) The numbers of students reported to the state board pursuant to division (C)(2) of section 3301.0711 of the Revised Code;	25750 25751 25752
(g) Attendance rates and the average daily attendance for the year. For purposes of this division, a student shall be counted as present for any field trip that is approved by the school administration.	25753 25754 25755 25756
(h) Expulsion rates;	25757
(i) Suspension rates;	25758
(j) The percentage of students receiving corporal punishment;	25759
(k) Dropout rates;	25760
(l) Rates of retention in grade;	25761
(m) For pupils in grades nine through twelve, the average number of carnegie units, as calculated in accordance with state board of education rules;	25762 25763 25764
(n) Graduation rates, to be calculated in a manner specified by the department of education that reflects the rate at which students who were in the ninth grade three years prior to the current year complete school and that is consistent with nationally accepted reporting requirements;	25765 25766 25767 25768 25769
(o) Results of diagnostic assessments administered to kindergarten students as required under section 3301.0715 of the	25770 25771

Revised Code to permit a comparison of the academic readiness of 25772
kindergarten students. However, no district shall be required to 25773
report to the department the results of any diagnostic assessment 25774
administered to a kindergarten student if the parent of that 25775
student requests the district not to report those results. 25776

(2) Personnel and classroom enrollment data for each school 25777
district, including: 25778

(a) The total numbers of licensed employees and nonlicensed 25779
employees and the numbers of full-time equivalent licensed 25780
employees and nonlicensed employees providing each category of 25781
instructional service, instructional support service, and 25782
administrative support service used pursuant to division (C)(3) of 25783
this section. The guidelines adopted under this section shall 25784
require these categories of data to be maintained for the school 25785
district as a whole and, wherever applicable, for each grade in 25786
the school district as a whole, for each school building as a 25787
whole, and for each grade in each school building. 25788

(b) The total number of employees and the number of full-time 25789
equivalent employees providing each category of service used 25790
pursuant to divisions (C)(4)(a) and (b) of this section, and the 25791
total numbers of licensed employees and nonlicensed employees and 25792
the numbers of full-time equivalent licensed employees and 25793
nonlicensed employees providing each category used pursuant to 25794
division (C)(4)(c) of this section. The guidelines adopted under 25795
this section shall require these categories of data to be 25796
maintained for the school district as a whole and, wherever 25797
applicable, for each grade in the school district as a whole, for 25798
each school building as a whole, and for each grade in each school 25799
building. 25800

(c) The total number of regular classroom teachers teaching 25801
classes of regular education and the average number of pupils 25802
enrolled in each such class, in each of grades kindergarten 25803

through five in the district as a whole and in each school building in the school district.

(3)(a) Student demographic data for each school district, including information regarding the gender ratio of the school district's pupils, the racial make-up of the school district's pupils, and an appropriate measure of the number of the school district's pupils who reside in economically disadvantaged households. The demographic data shall be collected in a manner to allow correlation with data collected under division (B)(1) of this section. Categories for data collected pursuant to division (B)(3) of this section shall conform, where appropriate, to standard practices of agencies of the federal government.

(b) With respect to each student entering kindergarten, whether the student previously participated in a public preschool program, a private preschool program, or a head start program, and the number of years the student participated in each of these programs.

(C) The education management information system shall include cost accounting data for each district as a whole and for each school building in each school district. The guidelines adopted under this section shall require the cost data for each school district to be maintained in a system of mutually exclusive cost units and shall require all of the costs of each school district to be divided among the cost units. The guidelines shall require the system of mutually exclusive cost units to include at least the following:

(1) Administrative costs for the school district as a whole. The guidelines shall require the cost units under this division (C)(1) to be designed so that each of them may be compiled and reported in terms of average expenditure per pupil in formula ADM in the school district, as determined pursuant to section 3317.03 of the Revised Code.

(2) Administrative costs for each school building in the school district. The guidelines shall require the cost units under this division (C)(2) to be designed so that each of them may be compiled and reported in terms of average expenditure per full-time equivalent pupil receiving instructional or support services in each building.

(3) Instructional services costs for each category of instructional service provided directly to students and required by guidelines adopted pursuant to division (B)(1)(a) of this section. The guidelines shall require the cost units under division (C)(3) of this section to be designed so that each of them may be compiled and reported in terms of average expenditure per pupil receiving the service in the school district as a whole and average expenditure per pupil receiving the service in each building in the school district and in terms of a total cost for each category of service and, as a breakdown of the total cost, a cost for each of the following components:

(a) The cost of each instructional services category required by guidelines adopted under division (B)(1)(a) of this section that is provided directly to students by a classroom teacher;

(b) The cost of the instructional support services, such as services provided by a speech-language pathologist, classroom aide, multimedia aide, or librarian, provided directly to students in conjunction with each instructional services category;

(c) The cost of the administrative support services related to each instructional services category, such as the cost of personnel that develop the curriculum for the instructional services category and the cost of personnel supervising or coordinating the delivery of the instructional services category.

(4) Support or extracurricular services costs for each category of service directly provided to students and required by

guidelines adopted pursuant to division (B)(1)(b) of this section. 25867
The guidelines shall require the cost units under division (C)(4) 25868
of this section to be designed so that each of them may be 25869
compiled and reported in terms of average expenditure per pupil 25870
receiving the service in the school district as a whole and 25871
average expenditure per pupil receiving the service in each 25872
building in the school district and in terms of a total cost for 25873
each category of service and, as a breakdown of the total cost, a 25874
cost for each of the following components: 25875

(a) The cost of each support or extracurricular services 25876
category required by guidelines adopted under division (B)(1)(b) 25877
of this section that is provided directly to students by a 25878
licensed employee, such as services provided by a guidance 25879
counselor or any services provided by a licensed employee under a 25880
supplemental contract; 25881

(b) The cost of each such services category provided directly 25882
to students by a nonlicensed employee, such as janitorial 25883
services, cafeteria services, or services of a sports trainer; 25884

(c) The cost of the administrative services related to each 25885
services category in division (C)(4)(a) or (b) of this section, 25886
such as the cost of any licensed or nonlicensed employees that 25887
develop, supervise, coordinate, or otherwise are involved in 25888
administering or aiding the delivery of each services category. 25889

(D)(1) The guidelines adopted under this section shall 25890
require school districts to collect information about individual 25891
students, staff members, or both in connection with any data 25892
required by division (B) or (C) of this section or other reporting 25893
requirements established in the Revised Code. The guidelines may 25894
also require school districts to report information about 25895
individual staff members in connection with any data required by 25896
division (B) or (C) of this section or other reporting 25897
requirements established in the Revised Code. The guidelines shall 25898

not authorize school districts to request social security numbers 25899
of individual students. The guidelines shall prohibit the 25900
reporting under this section of a student's name, address, and 25901
social security number to the state board of education or the 25902
department of education. The guidelines shall also prohibit the 25903
reporting under this section of any personally identifiable 25904
information about any student, except for the purpose of assigning 25905
the data verification code required by division (D)(2) of this 25906
section, to any other person unless such person is employed by the 25907
school district or the data acquisition site operated under 25908
section 3301.075 of the Revised Code and is authorized by the 25909
district or acquisition site to have access to such information. 25910
The guidelines may require school districts to provide the social 25911
security numbers of individual staff members. 25912

(2) The guidelines shall provide for each school district or 25913
community school to assign a data verification code that is unique 25914
on a statewide basis over time to each student whose initial Ohio 25915
enrollment is in that district or school and to report all 25916
required individual student data for that student utilizing such 25917
code. The guidelines shall also provide for assigning data 25918
verification codes to all students enrolled in districts or 25919
community schools on the effective date of the guidelines 25920
established under this section. 25921

Individual student data shall be reported to the department 25922
through the data acquisition sites utilizing the code but at no 25923
time shall the state board or the department have access to 25924
information that would enable any data verification code to be 25925
matched to personally identifiable student data. 25926

Each school district shall ensure that the data verification 25927
code is included in the student's records reported to any 25928
subsequent school district or community school in which the 25929
student enrolls and shall remove all references to the code in any 25930

records retained in the district or school that pertain to any 25931
student no longer enrolled. Any such subsequent district or school 25932
shall utilize the same identifier in its reporting of data under 25933
this section. 25934

(E) The guidelines adopted under this section may require 25935
school districts to collect and report data, information, or 25936
reports other than that described in divisions (A), (B), and (C) 25937
of this section for the purpose of complying with other reporting 25938
requirements established in the Revised Code. The other data, 25939
information, or reports may be maintained in the education 25940
management information system but are not required to be compiled 25941
as part of the profile formats required under division (G) of this 25942
section or the annual statewide report required under division (H) 25943
of this section. 25944

(F) Beginning with the school year that begins July 1, 1991, 25945
the board of education of each school district shall annually 25946
collect and report to the state board, in accordance with the 25947
guidelines established by the board, the data required pursuant to 25948
this section. A school district may collect and report these data 25949
notwithstanding section 2151.358 or 3319.321 of the Revised Code. 25950

(G) The state board shall, in accordance with the procedures 25951
it adopts, annually compile the data reported by each school 25952
district pursuant to division (D) of this section. The state board 25953
shall design formats for profiling each school district as a whole 25954
and each school building within each district and shall compile 25955
the data in accordance with these formats. These profile formats 25956
shall: 25957

(1) Include all of the data gathered under this section in a 25958
manner that facilitates comparison among school districts and 25959
among school buildings within each school district; 25960

(2) Present the data on academic achievement levels as 25961

assessed by the testing of student achievement maintained pursuant 25962
to division (B)(1)(e) of this section so that the academic 25963
achievement levels of students who are excused from taking any 25964
such test pursuant to division (C)(1) of section 3301.0711 of the 25965
Revised Code are distinguished from the academic achievement 25966
levels of students who are not so excused. 25967

(H)(1) The state board shall, in accordance with the 25968
procedures it adopts, annually prepare a statewide report for all 25969
school districts and the general public that includes the profile 25970
of each of the school districts developed pursuant to division (G) 25971
of this section. Copies of the report shall be sent to each school 25972
district. 25973

(2) The state board shall, in accordance with the procedures 25974
it adopts, annually prepare an individual report for each school 25975
district and the general public that includes the profiles of each 25976
of the school buildings in that school district developed pursuant 25977
to division (G) of this section. Copies of the report shall be 25978
sent to the superintendent of the district and to each member of 25979
the district board of education. 25980

(3) Copies of the reports received from the state board under 25981
divisions (H)(1) and (2) of this section shall be made available 25982
to the general public at each school district's offices. Each 25983
district board of education shall make copies of each report 25984
available to any person upon request and payment of a reasonable 25985
fee for the cost of reproducing the report. The board shall 25986
annually publish in a newspaper of general circulation in the 25987
school district, at least twice during the two weeks prior to the 25988
week in which the reports will first be available, a notice 25989
containing the address where the reports are available and the 25990
date on which the reports will be available. 25991

(I) Any data that is collected or maintained pursuant to this 25992
section and that identifies an individual pupil is not a public 25993

record for the purposes of section 149.43 of the Revised Code.	25994
(J) As used in this section:	25995
(1) "School district" means any city, local, exempted village, or joint vocational school district.	25996 25997
(2) "Cost" means any expenditure for operating expenses made by a school district excluding any expenditures for debt retirement except for payments made to any commercial lending institution for any loan approved pursuant to section 3313.483 of the Revised Code.	25998 25999 26000 26001 26002
(K) Any person who removes data from the information system established under this section for the purpose of releasing it to any person not entitled under law to have access to such information is subject to section 2913.42 of the Revised Code prohibiting tampering with data.	26003 26004 26005 26006 26007
(L) Any time the department of education determines that a school district has taken any of the actions described under division (L)(1), (2), or (3) of this section, it shall make a report of the actions of the district, send a copy of the report to the superintendent of such school district, and maintain a copy of the report in its files:	26008 26009 26010 26011 26012 26013
(1) The school district fails to meet any deadline established pursuant to this section for the reporting of any data to the education management information system;	26014 26015 26016
(2) The school district fails to meet any deadline established pursuant to this section for the correction of any data reported to the education management information system;	26017 26018 26019
(3) The school district reports data to the education management information system in a condition, as determined by the department, that indicates that the district did not make a good faith effort in reporting the data to the system.	26020 26021 26022 26023

Any report made under this division shall include 26024
recommendations for corrective action by the school district. 26025

Upon making a report for the first time in a fiscal year, the 26026
department shall withhold ten per cent of the total amount due 26027
during that fiscal year under Chapter 3317. of the Revised Code to 26028
the school district to which the report applies. Upon making a 26029
second report in a fiscal year, the department shall withhold an 26030
additional twenty per cent of such total amount due during that 26031
fiscal year to the school district to which the report applies. 26032
The department shall not release such funds unless it determines 26033
that the district has taken corrective action. However, no such 26034
release of funds shall occur if the district fails to take 26035
corrective action within forty-five days of the date upon which 26036
the report was made by the department. 26037

~~(M) The department of education, after consultation with the 26038
Ohio education computer network, may provide at no cost to school 26039
districts uniform computer software for use in reporting data to 26040
the education management information system, provided that no 26041
school district shall be required to utilize such software to 26042
report data to the education management information system if such 26043
district is so reporting data in an accurate, complete, and timely 26044
manner in a format compatible with that required by the education 26045
management information system No data acquisition site or school 26046
district shall acquire, change, or update its student 26047
administration software package to manage and report data required 26048
to be reported to the department unless it converts to a student 26049
software package that is certified by the department. 26050~~

(N) The state board of education, in accordance with sections 26051
3319.31 and 3319.311 of the Revised Code, may suspend or revoke a 26052
license as defined under division (A) of section 3319.31 of the 26053
Revised Code that has been issued to any school district employee 26054
found to have willfully reported erroneous, inaccurate, or 26055

incomplete data to the education management information system. 26056

(O) No person shall release or maintain any information about 26057
any student in violation of this section. Whoever violates this 26058
division is guilty of a misdemeanor of the fourth degree. 26059

(P) The department shall disaggregate the data collected 26060
under division (B)(1)(o) of this section according to the race and 26061
socioeconomic status of the students assessed. No data collected 26062
under that division shall be included on the report cards required 26063
by section 3302.03 of the Revised Code. 26064

(Q) If the department cannot compile any of the information 26065
required by division (D)(5) of section 3302.03 of the Revised Code 26066
based upon the data collected under this section, the department 26067
shall develop a plan and a reasonable timeline for the collection 26068
of any data necessary to comply with that division. 26069

Sec. 3301.31. As used in this section and sections 3301.32 to 26070
3301.38 of the Revised Code: 26071

(A) "Eligible individual" means an individual eligible for 26072
Title IV-A services under a head start program. 26073

(B) "Head start agency" means any or all of the following: 26074

(1) An entity in this state that has been approved to be an 26075
agency for purposes of the "Head Start Act," 95 Stat. 489 (1981), 26076
42 U.S.C. 9831, as amended; 26077

(2) A Title IV-A head start agency; 26078

(3) A Title IV-A head start plus agency. 26079

(C) "Head start program" has the same meaning as in section 26080
5104.01 of the Revised Code. 26081

(D) "Title IV-A services" means benefits and services that 26082
are allowable under Title IV-A of the "Social Security Act," as 26083
specified in 42 U.S.C.A 604(a), except that they shall not be 26084

benefits and services included in the term "assistance" as defined 26085
in 45 C.F.R. 260.31(a) and shall be benefits and services that are 26086
excluded from the definition of the term "assistance" under 45 26087
C.F.R. 260.31(b). 26088

(E) "Title IV-A head start agency" means an agency receiving 26089
funds to operate a head start program as prescribed in section 26090
3301.34 of the Revised Code. 26091

(F) "Title IV-A head start plus agency" means an agency 26092
receiving funds to operate a head start program as prescribed in 26093
section 3301.35 of the Revised Code. 26094

Sec. 3301.33. (A) There is hereby established the Title IV-A 26095
head start program to provide head start program services to 26096
eligible individuals. 26097

(B) In accordance with the interagency agreement described in 26098
division (C) of this section, there is hereby established the 26099
Title IV-A head start plus program to provide year-long head start 26100
program services and child care services to eligible individuals. 26101

(C) The programs established under divisions (A) and (B) of 26102
this section shall be administered by the department of education 26103
in accordance with an interagency agreement entered into with the 26104
department of job and family services under section 5101.801 of 26105
the Revised Code. This interagency agreement shall establish the 26106
implementation date of the Title IV-A head start plus program, 26107
which is July 1, 2004. The programs shall provide Title IV-A 26108
services to eligible individuals who meet eligibility requirements 26109
established in rules and administrative orders adopted by the 26110
department of job and family services under Chapter 5104. of the 26111
Revised Code. The department of job and family services and the 26112
department of education jointly shall adopt policies and 26113
procedures establishing program requirements for eligibility, 26114
services, program administration, fiscal accountability, and other 26115

criteria necessary to comply with the provisions of Title IV-A of 26116
the "Social Security Act," 110 Stat. 2113, 42 U.S.C. 601 (1996), 26117
as amended. 26118

The department of education shall be responsible for 26119
approving through an application process all Title IV-A head start 26120
agencies and Title IV-A head start plus agencies for provision of 26121
services under the programs established under this section. An 26122
agency that is not approved by the department shall not be 26123
reimbursed for the cost of providing services under the programs. 26124

Sec. 3301.34. In administering the Title IV-A head start 26125
program established under division (A) of section 3301.33 of the 26126
Revised Code, the department of education shall enter into a 26127
contract with each Title IV-A head start agency establishing the 26128
terms and conditions applicable to the provision of Title IV-A 26129
services for eligible individuals. The contracts shall specify the 26130
respective duties of the Title IV-A head start agencies and the 26131
department of education, reporting requirements, eligibility 26132
requirements, reimbursement methodology, audit requirements, and 26133
other provisions determined necessary in accordance with section 26134
3301.38 of the Revised Code. The department of education shall 26135
reimburse the Title IV-A head start agencies for Title IV-A 26136
services provided to individuals determined eligible for Title 26137
IV-A services by the county department of job and family services 26138
in accordance with the terms of the contract, policies and 26139
procedures adopted by the department of education and the 26140
department of job and family services under section 3301.33 of the 26141
Revised Code, and the interagency agreement entered into by the 26142
departments. 26143

The department of education shall ensure that all 26144
reimbursements paid to a Title IV-A head start agency are only for 26145
Title IV-A services. 26146

The department of education shall ensure that all 26147
reimbursements paid to a Title IV-A head start agency are for only 26148
those individuals determined eligible for Title IV-A services by 26149
the appropriate county department of job and family services, as 26150
provided for in section 3301.36 of the Revised Code. 26151

Sec. 3301.35. (A) In administering the Title IV-A head start 26152
plus program established under division (B) of section 3301.33, 26153
the department of education shall enter into a contract with each 26154
Title IV-A head start plus agency under which the department shall 26155
reimburse the agency for allowable expenses in connection to 26156
services provided to eligible individuals. 26157

(B) Each county department of job and family services shall 26158
assist the department of education in administering the program 26159
within its respective county in accordance with requirements 26160
established by the state department of job and family services 26161
under section 5101.801 of the Revised Code. The county department 26162
shall ensure that all reimbursements paid to a Title IV-A head 26163
start plus agency are for only Title IV-A services. 26164

The administration of the Title IV-A head start plus program 26165
by the county department shall solely consist of determining 26166
eligibility of individuals and establishing co-payment 26167
requirements in accordance with rules adopted by the state 26168
department of job and family services. 26169

(C) The department of education shall enter into contracts 26170
with only those agencies that have been approved by the department 26171
of education as a Title IV-A head start plus agency and that have 26172
been licensed in accordance with section 3301.37 of the Revised 26173
Code. Each contract entered into under this division shall specify 26174
all of the following: 26175

(1) Requirements applicable to the allowable use of and 26176

<u>accountability for Title IV-A funds;</u>	26177
<u>(2) Requirements for access, inspection, and examination of the agency's financial and program records by the county department, the state department of job and family services, the department of education, the auditor of state, and any other state or federal agency with authority to inspect and examine such records;</u>	26178 26179 26180 26181 26182 26183
<u>(3) Applicable audit requirements applicable to funds received under the contract;</u>	26184 26185
<u>(4) Reporting requirements by and for the county department, the state department of job and family services, and the department of education;</u>	26186 26187 26188
<u>(5) Provisions for the department of education to suspend, modify, or terminate the contract if the department of education suspends or removes the agency from the list of approved Title IV-A head start plus agencies or if the state department of job and family services denies or revokes a license for the agency.</u>	26189 26190 26191 26192 26193
<u>Sec. 3301.36. Each county department of job and family services shall determine eligibility for Title IV-A services for individuals seeking Title IV-A services from a Title IV-A head start agency or Title IV-A head start plus agency.</u>	26194 26195 26196 26197
<u>Sec. 3301.37. (A) Each entity operating a head start program shall be licensed or certified by the department of job and family services in accordance with Chapter 5104. of the Revised Code.</u>	26198 26199 26200
<u>(B) Notwithstanding division (A) of this section, any current license issued under section 3301.58 of the Revised Code by the department of education to an entity operating a head start program prior to the effective date of this section is hereby deemed to be a license issued by the department of job and family services under Chapter 5104. of the Revised Code. The expiration</u>	26201 26202 26203 26204 26205 26206

date of the license shall be the earlier of the expiration date 26207
specified in the license as issued under section 3301.58 of the 26208
Revised Code or September 1, 2005. In order to continue operation 26209
of its head start program after that expiration date, the entity 26210
shall obtain a license as prescribed in division (A) of this 26211
section. 26212

Sec. 3301.38. (A) The department of education shall adopt 26213
policies and procedures for the approval, suspension, and removal 26214
of Title IV-A head start and Title IV-A head start plus agencies 26215
from the approved list of providers. 26216

(B) If a head start program that received state funding prior 26217
to July 1, 2001, waives its right to state funding or has its 26218
state funding eliminated for not meeting financial standards or 26219
program performance standards, the grantee or delegates shall 26220
transfer control of title to property, equipment, and remaining 26221
supplies purchased with state funds to the department along with 26222
any reports prescribed by the department. 26223

(C) Title IV-A head start allocations shall be distributed on 26224
a per-pupil basis, which the department may adjust so that the per 26225
pupil amount multiplied by the number of eligible children 26226
enrolled and receiving services, as defined by the department of 26227
education, reported on the first day of December or the first 26228
business day following that date equals the amount allocated. 26229

(D) The department of education shall prescribe the 26230
assessment instrument and determine target levels for critical 26231
performance indicators for the purpose of assessing Title IV-A 26232
head start and Title IV-A head start plus agencies. Onsite reviews 26233
and follow-up visits shall be based on progress in meeting the 26234
prescribed target levels. 26235

(E) The department of education shall require Title IV-A head 26236
start and Title IV-A head start plus agencies to: 26237

<u>(1) Address federal head start education and assessment</u>	26238
<u>performance standards, as required by 45 C.F.R. 1304.20 to 1304.41</u>	26239
<u>and the Ohio department of education pre-kindergarten math and</u>	26240
<u>literacy content standards;</u>	26241
<u>(2) Comply with the department of education prescribed</u>	26242
<u>assessment requirements that are aligned with the assessment</u>	26243
<u>system for kindergarten through twelfth grade;</u>	26244
<u>(3) Comply with federal head start performance standards for</u>	26245
<u>comprehensive services in health, nutrition, mental health, family</u>	26246
<u>partnership, and social services as required by 45 C.F.R. 1304.20</u>	26247
<u>to 1304.41;</u>	26248
<u>(4) Require teachers to attend a minimum of twenty hours of</u>	26249
<u>professional development as prescribed by the department of</u>	26250
<u>education regarding the implementation of content standards and</u>	26251
<u>assessment; and</u>	26252
<u>(5) Document and report child progress using research-based</u>	26253
<u>indicators as prescribed by the department.</u>	26254
<u>(F) Costs for developing and administering a Title IV-A head</u>	26255
<u>start or Title IV-A head start plus program may not exceed fifteen</u>	26256
<u>percent of the total approved costs of the program.</u>	26257
<u>(G) In consultation with the department of job and family</u>	26258
<u>services, the department of education shall establish program</u>	26259
<u>requirements for Title IV-A head start and Title IV-A head start</u>	26260
<u>plus agencies.</u>	26261
<u>(H) The department of education may examine the financial and</u>	26262
<u>program records of Title IV-A head start agencies and Title IV-A</u>	26263
<u>head start plus agencies. The department of education shall</u>	26264
<u>monitor these agencies to ensure that all Title IV-A funds are</u>	26265
<u>used solely for purposes allowable under federal regulations,</u>	26266
<u>section 5101.801 of the Revised Code, and the Title IV-A state</u>	26267

plan and shall take prompt action to recover funds that are not 26268
expended accordingly. The department of job and family services 26269
may examine the financial records of Title IV-A head start 26270
agencies and Title IV-A head start plus agencies. 26271

(I)(1) A Title IV-A head start agency or Title IV-A head 26272
start plus agency shall propose and implement a corrective action 26273
plan that has been approved by the department of education when 26274
the department determines either of the following: 26275

(a) The financial practices of the Title IV-A head start 26276
agency or Title IV-A head start plus agency are not in accordance 26277
with standard accounting principles and federal requirements or do 26278
not meet financial standards required in the contract as specified 26279
under division (C) of section 3301.35 of the Revised Code; 26280

(b) The Title IV-A head start or Title IV-A head start plus 26281
agency fails to substantially meet the head start performance 26282
standards or exhibits below average performance as measured 26283
against the performance indicators. 26284

(2) The approved corrective action plan shall be signed by 26285
the appropriate official and agency governance body. 26286

(3) The corrective action plan shall include a schedule of 26287
monitoring by the department of education. This monitoring may 26288
include monthly reports, inspections, a timeline for correction of 26289
deficiencies, and technical assistance to be provided by the 26290
department or obtained by the Title IV-A head start agency or 26291
Title IV-A head start plus agency. The department may withhold 26292
funding to a Title IV-A head start agency or a Title IV-A head 26293
start plus agency. 26294

(4) If a Title IV-A head start agency or a Title IV-A head 26295
start plus agency fails to satisfactorily complete a corrective 26296
action, the department may suspend or terminate part or all of the 26297
funding to the agency and may remove the agency from the approved 26298

<u>list.</u>	26299
<u>(J) The department shall provide technical assistance to</u>	26300
<u>Title IV-A head start agencies in administering Title IV-A head</u>	26301
<u>start programs and to Title IV-A head start plus agencies and</u>	26302
<u>child care partners in administering head start plus programs.</u>	26303
Sec. 3301.33 3301.40. (A) As used in this section, "adult	26304
education" has the meaning as established under the "adult	26305
education act," 102 Stat. 302 (1988), 20 U.S.C. 1201a(2), as	26306
amended.	26307
(B) Beginning July 1, 1996, the department of education may	26308
distribute state funds to organizations that qualify for federal	26309
funds under the "Adult Education Act," 102 Stat. 302 (1988), 20	26310
1201 to 1213d, as amended. The funds shall be used by qualifying	26311
organizations to provide adult education services. State funds	26312
distributed pursuant to this section shall be distributed in	26313
accordance with the rules adopted by the state board of education	26314
pursuant to this section.	26315
Each organization that receives funds under this section	26316
shall file program performance reports with the department. The	26317
reports shall be filed at times required by state board of	26318
education rule and contain assessments of individual students as	26319
they enter, progress through, and exit the adult education	26320
program; records regarding individual student program	26321
participation time; reports of individual student retention rates;	26322
and any other information required by rule.	26323
(C) The state board of education shall adopt rules for the	26324
distribution of funds under this section. The rules shall include	26325
the following:	26326
(1) Requirements for program performance reports.	26327
(2) Indicators of adult education program quality, including	26328

indicators of learner achievement, program environment, program 26329
planning, curriculum and instruction, staff development, support 26330
services, and recruitment and retention. 26331

(3) A formula for the distribution of funds under this 26332
section. The formula shall include as a factor an organization's 26333
quantifiable success in meeting the indicators of program quality 26334
established pursuant to division (C)(2) of this section. 26335

(4) Standards and procedures for reducing or discontinuing 26336
funding to organizations that fail to meet the requirements of 26337
this section. 26338

(5) Any other requirements or standards considered 26339
appropriate by the board. 26340

Sec. 3301.52. As used in sections 3301.52 to 3301.59 of the 26341
Revised Code: 26342

(A) "Preschool program" means either of the following: 26343

(1) A child day-care program for preschool children that is 26344
operated by a school district board of education, or an eligible 26345
nonpublic school, ~~a head start grantee, or a head start delegate~~ 26346
~~agency.~~ 26347

(2) A child day-care program for preschool children age three 26348
or older that is operated by a county MR/DD board. 26349

(B) "Preschool child" or "child" means a child who has not 26350
entered kindergarten and is not of compulsory school age. 26351

(C) "Parent, guardian, or custodian" means the person or 26352
government agency that is or will be responsible for a child's 26353
school attendance under section 3321.01 of the Revised Code. 26354

(D) "Superintendent" means the superintendent of a school 26355
district or the chief administrative officer of an eligible 26356
nonpublic school. 26357

(E) "Director" means the director, head teacher, elementary principal, or site administrator who is the individual on site and responsible for supervision of a preschool program.

(F) "Preschool staff member" means a preschool employee whose primary responsibility is care, teaching, or supervision of preschool children.

(G) "Nonteaching employee" means a preschool program or school child program employee whose primary responsibilities are duties other than care, teaching, and supervision of preschool children or school children.

(H) "Eligible nonpublic school" means a nonpublic school chartered as described in division (B)(8) of section 5104.02 of the Revised Code or chartered by the state board of education for any combination of grades one through twelve, regardless of whether it also offers kindergarten.

(I) "County MR/DD board" means a county board of mental retardation and developmental disabilities.

(J) "School child program" means a child day-care program for only school children that is operated by a school district board of education, county MR/DD board, or eligible nonpublic school.

(K) "School child" and "child day-care" have the same meanings as in section 5104.01 of the Revised Code.

(L) "School child program staff member" means an employee whose primary responsibility is the care, teaching, or supervision of children in a school child program.

~~(M) "Head start" means a program operated in accordance with subchapter II of the "Community Economic Development Act," 95 Stat. 489 (1981), 42 U.S.C. 9831, and amendments thereto.~~

Sec. 3301.53. (A) Not later than July 1, 1988, the state

board of education, in consultation with the director of job and 26387
family services, shall formulate and prescribe by rule adopted 26388
under Chapter 119. of the Revised Code minimum standards to be 26389
applied to preschool programs operated by school district boards 26390
of education, county MR/DD boards, or eligible nonpublic schools, 26391
~~head start grantees, and head start delegate agencies.~~ The rules 26392
shall include the following: 26393

(1) Standards ensuring that the preschool program is located 26394
in a safe and convenient facility that accommodates the enrollment 26395
of the program, is of the quality to support the growth and 26396
development of the children according to the program objectives, 26397
and meets the requirements of section 3301.55 of the Revised Code; 26398

(2) Standards ensuring that supervision, discipline, and 26399
programs will be administered according to established objectives 26400
and procedures; 26401

(3) Standards ensuring that preschool staff members and 26402
nonteaching employees are recruited, employed, assigned, 26403
evaluated, and provided inservice education without discrimination 26404
on the basis of age, color, national origin, race, or sex; and 26405
that preschool staff members and nonteaching employees are 26406
assigned responsibilities in accordance with written position 26407
descriptions commensurate with their training and experience; 26408

(4) A requirement that boards of education intending to 26409
establish a preschool program on or after March 17, 1989, 26410
demonstrate a need for a preschool program that is not being met 26411
by any existing program providing child day-care, prior to 26412
establishing the program; 26413

(5) Requirements that children participating in preschool 26414
programs have been immunized to the extent considered appropriate 26415
by the state board to prevent the spread of communicable disease; 26416

(6) Requirements that the parents of preschool children 26417

complete the emergency medical authorization form specified in 26418
section 3313.712 of the Revised Code. 26419

(B) The state board of education in consultation with the 26420
director of job and family services shall ensure that the rules 26421
adopted by the state board under sections 3301.52 to 3301.58 of 26422
the Revised Code are consistent with and meet or exceed the 26423
requirements of Chapter 5104. of the Revised Code with regard to 26424
child day-care centers. The state board and the director of job 26425
and family services shall review all such rules at least once 26426
every five years. 26427

(C) On or before January 1, 1992, the state board of 26428
education, in consultation with the director of job and family 26429
services, shall adopt rules for school child programs that are 26430
consistent with and meet or exceed the requirements of the rules 26431
adopted for school child day-care centers under Chapter 5104. of 26432
the Revised Code. 26433

Sec. 3301.54. (A)(1) Each preschool program shall be directed 26434
and supervised by a director, a head teacher, an elementary 26435
principal, or a site administrator who is on site and responsible 26436
for supervision of the program. Except as otherwise provided in 26437
division (A)(2), (3), or (4) of this section, this person shall 26438
hold a valid educator license designated as appropriate for 26439
teaching or being an administrator in a preschool setting issued 26440
pursuant to section 3319.22 of the Revised Code and have completed 26441
at least four courses in child development or early childhood 26442
education from an accredited college, university, or technical 26443
college. 26444

(2) If the person was employed prior to July 1, 1988, by a 26445
school district board of education or an eligible nonpublic school 26446
to direct a preschool program, the person shall be considered to 26447
meet the requirements of this section if the person holds a valid 26448

kindergarten-primary certificate described under former division 26449
(A) of section 3319.22 of the Revised Code as it existed on 26450
January 1, 1996. 26451

(3) If the person is employed to direct a preschool program 26452
operated by an eligible, nontax-supported, nonpublic school, the 26453
person shall be considered to meet the requirements of this 26454
section if the person holds a valid teaching certificate issued in 26455
accordance with section 3301.071 of the Revised Code. 26456

~~(4) If the person is a site administrator for a head start 26457
grantee or head start delegate agency, the person shall be 26458
considered to meet the requirements of this section if the person 26459
provides evidence that the person has attained at least a high 26460
school diploma or certification of high school equivalency issued 26461
by the state board of education or a comparable agency of another 26462
state, and that the person meets at least one of the following 26463
requirements: 26464~~

~~(a) Two years of experience working as a child care staff 26465
member in a child day care center or preschool program and at 26466
least four courses in child development or early childhood 26467
education from an accredited college, university, or technical 26468
college, except that a person who has two years of experience 26469
working as a child care staff member in a particular day care 26470
center or preschool program and who has been promoted to or 26471
designated director shall have one year from the time the person 26472
was promoted or designated to complete the required four courses; 26473~~

~~(b) Two years of training in an accredited college, 26474
university, or technical college that includes at least four 26475
courses in child development or early childhood education; 26476~~

~~(c) A child development associate credential issued by the 26477
national child development associate credentialing commission; 26478~~

~~(d) An associate or higher degree in child development or 26479~~

~~early childhood education from an accredited college, university,
or technical college.~~ 26480
26481

(B) Each preschool staff member shall be at least eighteen 26482
years of age and have a high school diploma or a certification of 26483
high school equivalency issued by the state board of education or 26484
a comparable agency of another state, except that a staff member 26485
may be less than eighteen years of age if the staff member is a 26486
graduate of a two-year vocational child-care training program 26487
approved by the state board of education, or is a student enrolled 26488
in the second year of such a program that leads to high school 26489
graduation, provided that the student performs duties in the 26490
preschool program under the continuous supervision of an 26491
experienced preschool staff member and receives periodic 26492
supervision from the vocational child-care training program 26493
teacher-coordinator in the student's high school. 26494

A preschool staff member shall annually complete fifteen 26495
hours of inservice training in child development or early 26496
childhood education, child abuse recognition and prevention, and 26497
first aid, and in the prevention, recognition, and management of 26498
communicable diseases, until a total of forty-five hours has been 26499
completed, unless the staff member holds an associate or higher 26500
degree in child development or early childhood education from an 26501
accredited college, university, or technical college, or any type 26502
of educator license designated as appropriate for teaching in an 26503
associate teaching position in a preschool setting issued by the 26504
state board of education pursuant to section 3319.22 of the 26505
Revised Code. 26506

Sec. 3301.55. (A) A school district, county MR/DD board, or 26507
~~eligible nonpublic school, head start grantee, or head start~~ 26508
~~delegate agency~~ operating a preschool program shall house the 26509
program in buildings that meet the following requirements: 26510

(1) The building is operated by the district, county MR/DD board, or eligible nonpublic school, ~~head start grantee, or head start delegate agency~~ and has been approved by the division of industrial compliance in the department of commerce or a certified municipal, township, or county building department for the purpose of operating a program for preschool children. Any such structure shall be constructed, equipped, repaired, altered, and maintained in accordance with applicable provisions of Chapters 3781. and 3791. and with rules adopted by the board of building standards under Chapter 3781. of the Revised Code for the safety and sanitation of structures erected for this purpose.

(2) The building is in compliance with fire and safety laws and regulations as evidenced by reports of annual school fire and safety inspections as conducted by appropriate local authorities.

(3) The school is in compliance with rules established by the state board of education regarding school food services.

(4) The facility includes not less than thirty-five square feet of indoor space for each child in the program. Safe play space, including both indoor and outdoor play space, totaling not less than sixty square feet for each child using the space at any one time, shall be regularly available and scheduled for use.

(5) First aid facilities and space for temporary placement or isolation of injured or ill children are provided.

(B) Each school district, county MR/DD board, or eligible nonpublic school, ~~head start grantee, or head start delegate agency~~ that operates, or proposes to operate, a preschool program shall submit a building plan including all information specified by the state board of education to the board not later than the first day of September of the school year in which the program is to be initiated. The board shall determine whether the buildings meet the requirements of this section and section 3301.53 of the

Revised Code, and notify the superintendent of its determination. 26542
If the board determines, on the basis of the building plan or any 26543
other information, that the buildings do not meet those 26544
requirements, it shall cause the buildings to be inspected by the 26545
department of education. The department shall make a report to the 26546
superintendent specifying any aspects of the building that are not 26547
in compliance with the requirements of this section and section 26548
3301.53 of the Revised Code and the time period that will be 26549
allowed the district, county MR/DD board, or school, ~~grantee, or~~ 26550
~~agency~~ to meet the requirements. 26551

Sec. 3301.57. (A) For the purpose of improving programs, 26552
facilities, and implementation of the standards promulgated by the 26553
state board of education under section 3301.53 of the Revised 26554
Code, the state department of education shall provide consultation 26555
and technical assistance to school districts, county MR/DD boards, 26556
and eligible nonpublic schools, ~~head start grantees, and head~~ 26557
~~start delegate agencies~~ operating preschool programs or school 26558
child programs, and inservice training to preschool staff members, 26559
school child program staff members, and nonteaching employees. 26560

(B) The department and the school district board of 26561
education, county MR/DD board, or eligible nonpublic school, ~~head~~ 26562
~~start grantee, or head start delegate agency~~ shall jointly monitor 26563
each preschool program and each school child program. 26564

If the program receives any grant or other funding from the 26565
state or federal government, the department annually shall monitor 26566
all reports on attendance, financial support, and expenditures 26567
according to provisions for use of the funds. 26568

(C) ~~The department of job and family services and the~~ 26569
~~department of education shall enter into a contract pursuant to~~ 26570
~~which the department of education inspects preschool programs and~~ 26571
~~school child programs in accordance with sections 3301.52 to~~ 26572

~~3301.59 of the Revised Code, the rules adopted under those 26573
sections, and any applicable procedures in Chapter 5104. of the 26574
Revised Code and investigates any complaints filed pursuant to 26575
those sections or rules. The contract shall require the department 26576
of job and family services to pay the department of education for 26577
conducting the inspections and investigations an amount equal to 26578
the amount that the department of job and family services would 26579
expend conducting the same number of inspections and 26580
investigations with its employees under Chapter 5104. of the 26581
Revised Code. 26582~~

~~(D)~~ The department of education, at least twice during every 26583
twelve-month period of operation of a preschool program or a 26584
licensed school child program, shall inspect the program and 26585
provide a written inspection report to the superintendent of the 26586
school district, county MR/DD board, or eligible nonpublic school, 26587
~~head start grantee, or head start delegate agency.~~ At least one 26588
inspection shall be unannounced, and all inspections may be 26589
unannounced. No person shall interfere with any inspection 26590
conducted pursuant to this division or to the rules adopted 26591
pursuant to sections 3301.52 to 3301.59 of the Revised Code. 26592

Upon receipt of any complaint that a preschool program or a 26593
licensed school child program is out of compliance with the 26594
requirements in sections 3301.52 to 3301.59 of the Revised Code or 26595
the rules adopted under those sections, the department shall 26596
investigate and may inspect the program. 26597

~~(E)~~(D) If a preschool program or a licensed school child 26598
program is determined to be out of compliance with the 26599
requirements of sections 3301.52 to 3301.59 of the Revised Code or 26600
the rules adopted under those sections, the department of 26601
education shall notify the appropriate superintendent, county 26602
MR/DD board, or eligible nonpublic school, ~~head start grantee, or~~ 26603
~~head start delegate agency~~ in writing regarding the nature of the 26604

violation, what must be done to correct the violation, and by what 26605
date the correction must be made. If the correction is not made by 26606
the date established by the department, it may commence action 26607
under Chapter 119. of the Revised Code to close the program or to 26608
revoke the license of the program. If a program does not comply 26609
with an order to cease operation issued in accordance with Chapter 26610
119. of the Revised Code, the department shall notify the attorney 26611
general, the prosecuting attorney of the county in which the 26612
program is located, or the city attorney, village solicitor, or 26613
other chief legal officer of the municipal corporation in which 26614
the program is located that the program is operating in violation 26615
of sections 3301.52 to 3301.59 of the Revised Code or the rules 26616
adopted under those sections and in violation of an order to cease 26617
operation issued in accordance with Chapter 119. of the Revised 26618
Code. Upon receipt of the notification, the attorney general, 26619
prosecuting attorney, city attorney, village solicitor, or other 26620
chief legal officer shall file a complaint in the court of common 26621
pleas of the county in which the program is located requesting the 26622
court to issue an order enjoining the program from operating. The 26623
court shall grant the requested injunctive relief upon a showing 26624
that the program named in the complaint is operating in violation 26625
of sections 3301.52 to 3301.59 of the Revised Code or the rules 26626
adopted under those sections and in violation of an order to cease 26627
operation issued in accordance with Chapter 119. of the Revised 26628
Code. 26629

~~(F)~~(E) The department of education shall prepare an annual 26630
report on inspections conducted under this section. The report 26631
shall include the number of inspections conducted, the number and 26632
types of violations found, and the steps taken to address the 26633
violations. The department shall file the report with the 26634
governor, the president and minority leader of the senate, and the 26635
speaker and minority leader of the house of representatives on or 26636
before the first day of January of each year, beginning in 1999. 26637

Sec. 3301.58. (A) The department of education is responsible 26638
for the licensing of preschool programs and school child programs 26639
and for the enforcement of sections 3301.52 to 3301.59 of the 26640
Revised Code and of any rules adopted under those sections. No 26641
school district board of education, county MR/DD board, or 26642
~~eligible nonpublic school, head start grantee, or head start~~ 26643
~~delegate agency~~ shall operate, establish, manage, conduct, or 26644
maintain a preschool program without a license issued under this 26645
section. A school district board of education, county MR/DD board, 26646
or eligible nonpublic school may obtain a license under this 26647
section for a school child program. The school district board of 26648
education, county MR/DD board, or eligible nonpublic school, ~~head~~ 26649
~~start grantee, or head start delegate agency~~ shall post the 26650
current license for each preschool program and licensed school 26651
child program it operates, establishes, manages, conducts, or 26652
maintains in a conspicuous place in the preschool program or 26653
licensed school child program that is accessible to parents, 26654
custodians, or guardians and employees and staff members of the 26655
program at all times when the program is in operation. 26656

(B) Any school district board of education, county MR/DD 26657
board, or eligible nonpublic school, ~~head start grantee, or head~~ 26658
~~start delegate agency~~ that desires to operate, establish, manage, 26659
conduct, or maintain a preschool program shall apply to the 26660
department of education for a license on a form that the 26661
department shall prescribe by rule. Any school district board of 26662
education, county MR/DD board, or eligible nonpublic school that 26663
desires to obtain a license for a school child program shall apply 26664
to the department for a license on a form that the department 26665
shall prescribe by rule. The department shall provide at no charge 26666
to each applicant for a license under this section a copy of the 26667
requirements under sections 3301.52 to 3301.59 of the Revised Code 26668
and any rules adopted under those sections. The department shall 26669

mail application forms for the renewal of a license at least one 26670
hundred twenty days prior to the date of the expiration of the 26671
license, and the application for renewal of a license shall be 26672
filed with the department at least sixty days before the date of 26673
the expiration of the existing license. The department may 26674
establish application fees by rule adopted under Chapter 119. of 26675
the Revised Code, and all applicants for a license shall pay any 26676
fee established by the department at the time of making an 26677
application for a license. All fees collected pursuant to this 26678
section shall be paid into the state treasury to the credit of the 26679
general revenue fund. 26680

(C) Upon the filing of an application for a license, the 26681
department of education shall investigate and inspect the 26682
preschool program or school child program to determine the license 26683
capacity for each age category of children of the program and to 26684
determine whether the program complies with sections 3301.52 to 26685
3301.59 of the Revised Code and any rules adopted under those 26686
sections. When, after investigation and inspection, the department 26687
of education is satisfied that sections 3301.52 to 3301.59 of the 26688
Revised Code and any rules adopted under those sections are 26689
complied with by the applicant, the department of education shall 26690
issue the program a provisional license as soon as practicable in 26691
the form and manner prescribed by the rules of the department. The 26692
provisional license shall be valid for six months from the date of 26693
issuance unless revoked. 26694

(D) The department of education shall investigate and inspect 26695
a preschool program or school child program that has been issued a 26696
provisional license at least once during operation under the 26697
provisional license. If, after the investigation and inspection, 26698
the department of education determines that the requirements of 26699
sections 3301.52 to 3301.59 of the Revised Code and any rules 26700
adopted under those sections are met by the provisional licensee, 26701

the department of education shall issue a license that is 26702
effective for two years from the date of the issuance of the 26703
provisional license. 26704

(E) Upon the filing of an application for the renewal of a 26705
license by a preschool program or school child program, the 26706
department of education shall investigate and inspect the 26707
preschool program or school child program. If the department of 26708
education determines that the requirements of sections 3301.52 to 26709
3301.59 of the Revised Code and any rules adopted under those 26710
sections are met by the applicant, the department of education 26711
shall renew the license for two years from the date of the 26712
expiration date of the previous license. 26713

(F) The license or provisional license shall state the name 26714
of the school district board of education, county MR/DD board, or 26715
eligible nonpublic school, ~~head start grantee, or head start~~ 26716
~~delegate agency~~ that operates the preschool program or school 26717
child program and the license capacity of the program. The license 26718
shall include any other information required by section 5104.03 of 26719
the Revised Code for the license of a child day-care center. 26720

(G) The department of education may revoke the license of any 26721
preschool program or school child program that is not in 26722
compliance with the requirements of sections 3301.52 to 3301.59 of 26723
the Revised Code and any rules adopted under those sections. 26724

(H) If the department of education revokes a license or 26725
refuses to renew a license to a program, the department shall not 26726
issue a license to the program within two years from the date of 26727
the revocation or refusal. All actions of the department with 26728
respect to licensing preschool programs and school child programs 26729
shall be in accordance with Chapter 119. of the Revised Code. 26730

Sec. 3301.68. There is hereby created the legislative 26731
committee on education oversight as a subcommittee of the 26732

legislative service commission. The committee shall consist of 26733
five members of the house of representatives appointed by the 26734
speaker of the house of representatives and five members of the 26735
senate appointed by the president of the senate. Not more than 26736
three of the members appointed from each house shall be members of 26737
the same political party. Members shall serve during the term of 26738
office to which they were elected. 26739

The committee, subject to the oversight and direction of the 26740
legislative service commission, shall direct the work of the 26741
legislative office of education oversight, which is hereby 26742
established. The committee may employ a staff director and such 26743
other staff as are necessary for the operation of the office, who 26744
shall be in the unclassified service of the state, and may 26745
contract for the services of whatever technical advisors are 26746
necessary for the committee and the office to carry out their 26747
duties. 26748

The chairperson and vice-chairperson of the legislative 26749
service commission shall fix the compensation of the director. The 26750
director, with the approval of the director of the legislative 26751
service commission, shall fix the compensation of other staff of 26752
the office in accordance with a salary schedule established by the 26753
director of the legislative service commission. Contracts for the 26754
services of necessary technical advisors shall be approved by the 26755
director of the legislative service commission. 26756

All expenses incurred by the committee or office shall be 26757
paid upon vouchers approved by the chairperson of the committee. 26758
The committee shall adopt rules for the conduct of its business 26759
and the election of officers, except that the office of 26760
chairperson of the committee shall alternate each general assembly 26761
between a member of the house of representatives selected by the 26762
speaker and a member of the senate selected by the president. 26763

The committee shall select, for the office to review and 26764

evaluate, education and school-related programs that receive state 26765
financial assistance in any form. The reviews and evaluations may 26766
include any of the following: 26767

(A) Assessment of the uses school districts and institutions 26768
of higher education make of state money they receive and 26769
determination of the extent to which such money improves school 26770
district or institutional performance in the areas for which the 26771
money was intended to be used; 26772

(B) Determination of whether an education program meets its 26773
intended goals, has adequate operating or administrative 26774
procedures and fiscal controls, encompasses only authorized 26775
activities, has any undesirable or unintended effects, and is 26776
efficiently managed; 26777

(C) Examination of various pilot programs developed and 26778
initiated in school districts and at state-assisted colleges and 26779
universities to determine whether such programs suggest 26780
innovative, effective ways to deal with problems that may exist in 26781
other school districts or state-assisted colleges or universities, 26782
and to assess the fiscal costs and likely impact of adopting such 26783
programs throughout the state or in other state-assisted colleges 26784
and universities. 26785

The committee shall report the results of each program review 26786
the office conducts to the general assembly. 26787

If the general assembly directs the legislative office of 26788
education oversight to submit a study to the general assembly by a 26789
particular date, the committee, upon a majority vote of its 26790
members, may modify the scope and due date of the study to 26791
accommodate the availability of data and resources. 26792

Sec. 3301.80. (A) There is hereby created the Ohio SchoolNet 26793
commission as an independent agency. The commission shall 26794

administer programs to provide financial and other assistance to 26795
school districts and other educational institutions for the 26796
acquisition and utilization of educational technology. 26797

The commission is a body corporate and politic, an agency of 26798
the state performing essential governmental functions of the 26799
state. 26800

(B)(1) The commission shall consist of ~~eleven~~ thirteen 26801
members, ~~seven~~ nine of whom are voting members. Of the voting 26802
members, one shall be appointed by the speaker of the house of 26803
representatives ~~and~~, one shall be appointed by the president of 26804
the senate, and two shall be appointed by the governor. The 26805
members appointed by the speaker of the house and the president of 26806
the senate shall not be members of the general assembly. The state 26807
superintendent of public instruction or a designee of the 26808
superintendent, the director of budget and management or a 26809
designee of the director, the director of administrative services 26810
or a designee of the director, the chairperson of the public 26811
utilities commission or a designee of the chairperson, and the 26812
director of the Ohio educational telecommunications network 26813
commission or a designee of the director shall serve on the 26814
commission as ex officio voting members. Of the nonvoting members, 26815
two shall be members of the house of representatives appointed by 26816
the speaker of the house and two shall be members of the senate 26817
appointed by the president of the senate. The members appointed 26818
from each house shall not be members of the same political party. 26819
The commission shall appoint officers from among its members. 26820

(2) The members shall serve without compensation. The voting 26821
members appointed by the speaker of the house of representatives 26822
~~and~~, the president of the senate, and the governor shall be 26823
reimbursed, pursuant to office of budget and management 26824
guidelines, for necessary expenses incurred in the performance of 26825
official duties. 26826

(3) The terms of office for the members appointed by the speaker of the house ~~and~~, the president of the senate, and the governor shall be for two years, with each term ending on the same day of the same month as did the term that it succeeds, except that the voting members so appointed may be removed at ~~anytime~~ any time by their respective appointing authority. The members appointed by the speaker of the house ~~and~~, the president of the senate, and the governor may be reappointed. Any member appointed from the house of representatives or senate who ceases to be a member of the legislative house from which the member was appointed shall cease to be a member of the commission. Vacancies among appointed members shall be filled in the manner provided for original appointments. Any member appointed to fill a vacancy occurring prior to the expiration date of the term for which a predecessor was appointed shall hold office as a member for the remainder of that term. The members appointed by the speaker of the house ~~and~~, the president of the senate, and the governor shall continue in office subsequent to the expiration date of that member's term until a successor takes office or until a period of sixty days has elapsed, whichever occurs first.

(C)(1) The commission shall be under the supervision of an executive director who shall be appointed by the commission. The executive director shall serve at the pleasure of the commission and shall direct commission employees in the administration of all programs for the provision of financial and other assistance to school districts and other educational institutions for the acquisition and utilization of educational technology.

(2) The employees of the Ohio SchoolNet commission shall be placed in the unclassified service. The commission shall fix the compensation of the executive director. The executive director shall employ and fix the compensation for such employees as necessary to facilitate the activities and purposes of the

commission. The employees shall serve at the pleasure of the executive director.

(3) The employees of the Ohio SchoolNet commission shall be exempt from Chapter 4117. of the Revised Code and shall not be public employees as defined in section 4117.01 of the Revised Code.

(D) The Ohio SchoolNet commission shall do all of the following:

(1) Make grants to institutions and other organizations as prescribed by the general assembly for the provision of technical assistance, professional development, and other support services to enable school districts, community schools established under Chapter 3314. of the Revised Code, and other educational institutions to utilize educational technology;

(2) Contract with the department of education, state institutions of higher education, private nonprofit institutions of higher education holding certificates of authorization under section 1713.02 of the Revised Code, and such other public or private entities as the executive director deems necessary for the administration and implementation of the programs under the commission's jurisdiction;

(3) Establish a reporting system to which school districts, community schools established under Chapter 3314. of the Revised Code, and other educational institutions receiving financial assistance pursuant to this section for the acquisition of educational technology report information as to the manner in which such assistance was expended, the manner in which the equipment or services purchased with the assistance is being utilized, the results or outcome of this utilization, and other information as may be required by the commission;

(4) Establish necessary guidelines governing purchasing and

procurement by participants in programs administered by the 26890
commission that facilitate the timely and effective implementation 26891
of such programs; 26892

(5) Take into consideration the efficiency and cost savings 26893
of statewide procurement prior to allocating and releasing funds 26894
for any programs under its administration. 26895

(E)(1) The executive director shall implement policies and 26896
directives issued by the Ohio SchoolNet commission. 26897

(2) The Ohio SchoolNet commission may establish a systems 26898
support network to facilitate the timely implementation of the 26899
programs, projects, or activities for which it provides 26900
assistance. 26901

(3) Chapters 123., 124., 125., and 153., and sections 9.331, 26902
9.332, and 9.333 of the Revised Code do not apply to contracts, 26903
programs, projects, or activities of the Ohio SchoolNet 26904
commission. 26905

Sec. 3307.01. As used in this chapter: 26906

(A) "Employer" means the board of education, school district, 26907
governing authority of any community school established under 26908
Chapter 3314. of the Revised Code, college, university, 26909
institution, or other agency within the state by which a teacher 26910
is employed and paid. 26911

(B) "Teacher" means all of the following: 26912

(1) Any person paid from public funds and employed in the 26913
public schools of the state under any type of contract described 26914
in section 3319.08 of the Revised Code in a position for which the 26915
person is required to have a license issued pursuant to sections 26916
3319.22 to 3319.31 of the Revised Code; 26917

(2) Any person employed as a teacher by a community school 26918
pursuant to Chapter 3314. of the Revised Code; 26919

(3) Any person holding an internship certificate issued under section 3319.28 of the Revised Code and employed in a public school in this state;

(4) Any person having a license issued pursuant to sections 3319.22 to 3319.31 of the Revised Code and employed in a public school in this state in an educational position, as determined by the state board of education, under programs provided for by federal acts or regulations and financed in whole or in part from federal funds, but for which no licensure requirements for the position can be made under the provisions of such federal acts or regulations;

(5) Any other teacher or faculty member employed in any school, college, university, institution, or other agency wholly controlled and managed, and supported in whole or in part, by the state or any political subdivision thereof, including Central state university, Cleveland state university, the university of Toledo, and the medical college of Ohio at Toledo;

(6) The educational employees of the department of education, as determined by the state superintendent of public instruction.

In all cases of doubt, the state teachers retirement board shall determine whether any person is a teacher, and its decision shall be final.

"Teacher" does not include any academic or administrative employee of a public institution of higher education, as defined in section 3305.01 of the Revised Code, who participates in an alternative retirement plan established under Chapter 3305. of the Revised Code.

(C) "Member" means any person included in the membership of the state teachers retirement system, which shall consist of all teachers and contributors as defined in divisions (B) and (D) of this section and all disability benefit recipients, as defined in

section 3307.50 of the Revised Code. However, for purposes of this 26951
chapter, the following persons shall not be considered members: 26952

(1) A student, intern, or resident who is not a member while 26953
employed part-time by a school, college, or university at which 26954
the student, intern, or resident is regularly attending classes; 26955

(2) A person denied membership pursuant to section 3307.24 of 26956
the Revised Code; 26957

(3) An other system retirant, as defined in section 3307.35 26958
of the Revised Code, or a superannuate; 26959

(4) An individual employed in a program established pursuant 26960
to the "Job Training Partnership Act," 96 Stat. 1322 (1982), 29 26961
U.S.C.A. 1501. 26962

(D) "Contributor" means any person who has an account in the 26963
teachers' savings fund or defined contribution fund. 26964

(E) "Beneficiary" means any person eligible to receive, or in 26965
receipt of, a retirement allowance or other benefit provided by 26966
this chapter. 26967

(F) "Year" means the year beginning the first day of July and 26968
ending with the thirtieth day of June next following, except that 26969
for the purpose of determining final average salary under the plan 26970
described in sections 3307.50 to 3307.79 of the Revised Code, 26971
"year" may mean the contract year. 26972

(G) "Local district pension system" means any school teachers 26973
pension fund created in any school district of the state in 26974
accordance with the laws of the state prior to September 1, 1920. 26975

(H) "Employer contribution" means the amount paid by an 26976
employer, as determined by the employer rate, including the normal 26977
and deficiency rates, contributions, and funds wherever used in 26978
this chapter. 26979

(I) "Five years of service credit" means employment covered 26980

under this chapter and employment covered under a former 26981
retirement plan operated, recognized, or endorsed by a college, 26982
institute, university, or political subdivision of this state 26983
prior to coverage under this chapter. 26984

(J) "Actuary" means the actuarial consultant to the state 26985
teachers retirement board, who shall be either of the following: 26986

(1) A member of the American academy of actuaries; 26987

(2) A firm, partnership, or corporation of which at least one 26988
person is a member of the American academy of actuaries. 26989

(K) "Fiduciary" means a person who does any of the following: 26990

(1) Exercises any discretionary authority or control with 26991
respect to the management of the system, or with respect to the 26992
management or disposition of its assets; 26993

(2) Renders investment advice for a fee, direct or indirect, 26994
with respect to money or property of the system; 26995

(3) Has any discretionary authority or responsibility in the 26996
administration of the system. 26997

(L)(1) Except as provided in this division, "compensation" 26998
means all salary, wages, and other earnings paid to a teacher by 26999
reason of the teacher's employment, including compensation paid 27000
pursuant to a supplemental contract. The salary, wages, and other 27001
earnings shall be determined prior to determination of the amount 27002
required to be contributed to the teachers' savings fund or 27003
defined contribution fund under section 3307.26 of the Revised 27004
Code and without regard to whether any of the salary, wages, or 27005
other earnings are treated as deferred income for federal income 27006
tax purposes. 27007

(2) Compensation does not include any of the following: 27008

(a) Payments for accrued but unused sick leave or personal 27009
leave, including payments made under a plan established pursuant 27010

to section 124.39 of the Revised Code or any other plan	27011
established by the employer;	27012
(b) Payments made for accrued but unused vacation leave,	27013
including payments made pursuant to section 124.13 of the Revised	27014
Code or a plan established by the employer;	27015
(c) Payments made for vacation pay covering concurrent	27016
periods for which other salary, compensation, or benefits under	27017
this chapter are paid;	27018
(d) Amounts paid by the employer to provide life insurance,	27019
sickness, accident, endowment, health, medical, hospital, dental,	27020
or surgical coverage, or other insurance for the teacher or the	27021
teacher's family, or amounts paid by the employer to the teacher	27022
in lieu of providing the insurance;	27023
(e) Incidental benefits, including lodging, food, laundry,	27024
parking, or services furnished by the employer, use of the	27025
employer's property or equipment, and reimbursement for	27026
job-related expenses authorized by the employer, including moving	27027
and travel expenses and expenses related to professional	27028
development;	27029
(f) Payments made by the employer in exchange for a member's	27030
waiver of a right to receive any payment, amount, or benefit	27031
described in division (L)(2) of this section;	27032
(g) Payments by the employer for services not actually	27033
rendered;	27034
(h) Any amount paid by the employer as a retroactive increase	27035
in salary, wages, or other earnings, unless the increase is one of	27036
the following:	27037
(i) A retroactive increase paid to a member employed by a	27038
school district board of education in a position that requires a	27039
license designated for teaching and not designated for being an	27040

administrator issued under section 3319.22 of the Revised Code 27041
that is paid in accordance with uniform criteria applicable to all 27042
members employed by the board in positions requiring the licenses; 27043

(ii) A retroactive increase paid to a member employed by a 27044
school district board of education in a position that requires a 27045
license designated for being an administrator issued under section 27046
3319.22 of the Revised Code that is paid in accordance with 27047
uniform criteria applicable to all members employed by the board 27048
in positions requiring the licenses; 27049

(iii) A retroactive increase paid to a member employed by a 27050
school district board of education as a superintendent that is 27051
also paid as described in division (L)(2)(h)(i) of this section; 27052

(iv) A retroactive increase paid to a member employed by an 27053
employer other than a school district board of education in 27054
accordance with uniform criteria applicable to all members 27055
employed by the employer. 27056

(i) Payments made to or on behalf of a teacher that are in 27057
excess of the annual compensation that may be taken into account 27058
by the retirement system under division (a)(17) of section 401 of 27059
the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 27060
401(a)(17), as amended. For a teacher who first establishes 27061
membership before July 1, 1996, the annual compensation that may 27062
be taken into account by the retirement system shall be determined 27063
under division (d)(3) of section 13212 of the "Omnibus Budget 27064
Reconciliation Act of 1993," Pub. L. No. 103-66, 107 Stat. 472. 27065

(j) Payments made under division (B), (C), or (E) of section 27066
5923.05 of the Revised Code, Section 4 of Substitute Senate Bill 27067
No. 3 of the 119th general assembly, Section 3 of Amended 27068
Substitute Senate Bill No. 164 of the 124th general assembly, or 27069
Amended Substitute House Bill No. 405 of the 124th general 27070
assembly; 27071

(k) Anything of value received by the teacher that is based 27072
on or attributable to retirement or an agreement to retire. 27073

(3) The retirement board shall determine by rule both of the 27074
following: 27075

(a) Whether particular forms of earnings are included in any 27076
of the categories enumerated in this division; 27077

(b) Whether any form of earnings not enumerated in this 27078
division is to be included in compensation. 27079

Decisions of the board made under this division shall be 27080
final. 27081

(M) "Superannuate" means both of the following: 27082

(1) A former teacher receiving from the system a retirement 27083
allowance under section 3307.58 or 3307.59 of the Revised Code; 27084

(2) A former teacher receiving a benefit from the system 27085
under a plan established under section 3307.81 of the Revised 27086
Code, except that "superannuate" does not include a former teacher 27087
who is receiving a benefit based on disability under a plan 27088
established under section 3307.81 of the Revised Code. 27089

For purposes of ~~section~~ sections 3307.35 and 3307.353 of the 27090
Revised Code, "superannuate" also means a former teacher receiving 27091
from the system a combined service retirement benefit paid in 27092
accordance with section 3307.57 of the Revised Code, regardless of 27093
which retirement system is paying the benefit. 27094

Sec. 3307.35. (A) As used in this section and section 27095
3307.352 of the Revised Code, "other system retirant" means a 27096
member or former member of the public employees retirement system, 27097
Ohio police and fire pension fund, school employees retirement 27098
system, state highway patrol retirement system, or Cincinnati 27099
retirement system who is receiving age and service or commuted age 27100

and service retirement, or a disability benefit from a system of 27101
which the retirant is a member or former member. 27102

(B) A Subject to this section and section 3307.353 of the 27103
Revised Code, a superannuate or other system retirant may be 27104
employed as a teacher. 27105

(C) A superannuate or other system retirant employed in 27106
accordance with this section shall contribute to the state 27107
teachers retirement system in accordance with section 3307.26 of 27108
the Revised Code and the employer shall contribute in accordance 27109
with sections 3307.28 and 3307.31 of the Revised Code. Such 27110
contributions shall be received as specified in section 3307.14 of 27111
the Revised Code. A superannuate or other system retirant employed 27112
as a teacher is not a member of the state teachers retirement 27113
system, does not have any of the rights, privileges, or 27114
obligations of membership, except as provided in this section, and 27115
is not eligible to receive health, medical, hospital, or surgical 27116
benefits under section 3307.39 of the Revised Code for employment 27117
subject to this section. 27118

(D) The employer that employs a superannuate or other system 27119
retirant shall notify the state teachers retirement board of the 27120
employment not later than the end of the month in which the 27121
employment commences. Any overpayment of benefits to a 27122
superannuate by the retirement system resulting from an employer's 27123
failure to give timely notice may be charged to the employer and 27124
may be certified and deducted as provided in section 3307.31 of 27125
the Revised Code. 27126

(E) On receipt of notice from an employer that a person who 27127
is an other system retirant has been employed, the state teachers 27128
retirement system shall notify the state retirement system of 27129
which the other system retirant was a member of such employment. 27130

(F) A superannuate or other system retirant who has received 27131

an allowance or benefit for less than two months when employment 27132
subject to this section commences shall forfeit the allowance or 27133
benefit for any month the superannuate or retirant is employed 27134
prior to the expiration of such period. Contributions shall be 27135
made to the retirement system from the first day of such 27136
employment, but service and contributions for that period shall 27137
not be used in the calculation of any benefit payable to the 27138
superannuate or other system retirant, and those contributions 27139
shall be refunded on the superannuate's or retirant's death or 27140
termination of the employment. Contributions made on compensation 27141
earned after the expiration of such period shall be used in 27142
calculation of the benefit or payment due under section 3307.352 27143
of the Revised Code. 27144

(G) On receipt of notice from the Ohio police and fire 27145
pension fund, public employees retirement system, or school 27146
employees retirement system of the re-employment of a 27147
superannuate, the state teachers retirement system shall not pay, 27148
or if paid shall recover, the amount to be forfeited by the 27149
superannuate in accordance with section 145.38, 742.26, or 27150
3309.341 of the Revised Code. 27151

(H) If the disability benefit of an other system retirant 27152
employed under this section is terminated, the retirant shall 27153
become a member of the state teachers retirement system, effective 27154
on the first day of the month next following the termination, with 27155
all the rights, privileges, and obligations of membership. If such 27156
person, after the termination of the retirant's disability 27157
benefit, earns two years of service credit under this retirement 27158
system or under the public employees retirement system, Ohio 27159
police and fire pension fund, school employees retirement system, 27160
or state highway patrol retirement system, the retirant's prior 27161
contributions as an other system retirant under this section shall 27162
be included in the retirant's total service credit, as defined in 27163

section 3307.50 of the Revised Code, as a state teachers 27164
retirement system member, and the retirant shall forfeit all 27165
rights and benefits of this section. Not more than one year of 27166
credit may be given for any period of twelve months. 27167

(I) This section does not affect the receipt of benefits by 27168
or eligibility for benefits of any person who on August 20, 1976, 27169
was receiving a disability benefit or service retirement pension 27170
or allowance from a state or municipal retirement system in Ohio 27171
and was a member of any other state or municipal retirement system 27172
of this state. 27173

(J) The state teachers retirement board may make the 27174
necessary rules to carry into effect this section and to prevent 27175
the abuse of the rights and privileges thereunder. 27176

Sec. 3307.353. (A) This section applies in the case of a 27177
person who is or most recently has been employed by an employer in 27178
a position that is customarily filled by a vote of members of a 27179
board or commission. 27180

(B) A board or commission that proposes to continue the 27181
employment as a reemployed superannuate or rehire as a reemployed 27182
superannuate to the same position an individual described in 27183
division (A) of this section shall do both of the following in 27184
accordance with rules adopted under division (C) of this section: 27185

(1) Not less than sixty days before the employment as a 27186
reemployed superannuate is to begin, give public notice that the 27187
person is or will be retired and is seeking employment with the 27188
employer; 27189

(2) Between fifteen and thirty days before the employment as 27190
a reemployed superannuate is to begin and after complying with 27191
division (B)(1) of this section, hold a public meeting on the 27192
issue of the person being employed by the employer. 27193

The notice regarding division (B)(1) of this section shall 27194
include the time, date, and location at which the public meeting 27195
is to take place. 27196

(C) The state teachers retirement board shall adopt rules as 27197
necessary to implement this section. 27198

Sec. 3309.341. (A) As used in this section and section 27199
3309.344 of the Revised Code: 27200

(1) "SERS retirant" means any person who is receiving a 27201
retirement allowance from the school employees retirement system 27202
under section 3309.36, 3309.38, or 3309.381 of the Revised Code or 27203
any benefit paid under a plan established under section 3309.81 of 27204
the Revised Code. 27205

(2) "Other system retirant" means a member or former member 27206
of the public employees retirement system, Ohio police and fire 27207
pension fund, state teachers retirement system, state highway 27208
patrol retirement system, or Cincinnati retirement system who is 27209
receiving age and service or commuted age and service retirement, 27210
or a disability benefit from a system of which the retirant is a 27211
member or former member. 27212

(B)(1) An Subject to this section and section 3309.345 of the 27213
Revised Code, an SERS retirant or other system retirant may be 27214
employed by a public employer. If so employed, the SERS retirant 27215
or other system retirant shall contribute to the school employees 27216
retirement system in accordance with section 3309.47 of the 27217
Revised Code, and the employer shall make contributions in 27218
accordance with section 3309.49 of the Revised Code. 27219

(2) An employer that employs an SERS retirant or other system 27220
retirant shall notify the retirement board of the employment not 27221
later than the end of the month in which the employment commences. 27222
On receipt of notice from an employer that a person who is an 27223

other system retirant has been employed, the school employees 27224
retirement system shall notify the state retirement system of 27225
which the other system retirant was a member of such employment. 27226

(C) An SERS retirant or other system retirant who has 27227
received a retirement allowance or disability benefit for less 27228
than two months when employment subject to this section commences 27229
shall forfeit the retirement allowance or disability benefit for 27230
any month the SERS retirant or other system retirant is employed 27231
prior to the expiration of the two-month period. Service and 27232
contributions for that period shall not be included in the 27233
calculation of any benefits payable to the SERS retirant or other 27234
system retirant, and those contributions shall be refunded on 27235
death or termination of the employment. Contributions made on 27236
compensation earned after the expiration of such period shall be 27237
used in the calculation of the benefit or payment due under 27238
section 3309.344 of the Revised Code. 27239

(D) On receipt of notice from the Ohio police and fire 27240
pension fund, public employees retirement system, or state 27241
teachers retirement system of the re-employment of an SERS 27242
retirant, the school employees retirement system shall not pay, or 27243
if paid shall recover, the amount to be forfeited by the SERS 27244
retirant in accordance with section 145.38, 742.26, or 3307.35 of 27245
the Revised Code. 27246

(E) An SERS retirant or other system retirant subject to this 27247
section is not a member of the school employees retirement system; 27248
does not have any of the rights, privileges, or obligations of 27249
membership, except as specified in this section; and is not 27250
eligible to receive health, medical, hospital, or surgical 27251
benefits under section 3309.69 of the Revised Code for employment 27252
subject to this section. 27253

(F) If the disability benefit of an other system retirant 27254
employed under this section is terminated, the retirant shall 27255

become a member of the school employees retirement system, 27256
effective on the first day of the month next following the 27257
termination, with all the rights, privileges, and obligations of 27258
membership. If the retirant, after the termination of the 27259
disability benefit, earns two years of service credit under this 27260
retirement system or under the public employees retirement system, 27261
Ohio police and fire pension fund, state teachers retirement 27262
system, or state highway patrol retirement system, the retirant's 27263
prior contributions as an other system retirant under this section 27264
shall be included in the retirant's total service credit as a 27265
school employees retirement system member, and the retirant shall 27266
forfeit all rights and benefits of this section. Not more than one 27267
year of credit may be given for any period of twelve months. 27268

(G) This section does not affect the receipt of benefits by 27269
or eligibility for benefits of any person who on August 29, 1976, 27270
was receiving a disability benefit or service retirement pension 27271
or allowance from a state or municipal retirement system in Ohio 27272
and was a member of any other state or municipal retirement system 27273
of this state. 27274

(H) The school employees retirement board may adopt rules to 27275
carry out this section. 27276

Sec. 3309.345. (A) This section applies in the case of a 27277
person who is or most recently has been employed by an employer in 27278
a position that is customarily filled by a vote of members of a 27279
board or commission. 27280

(B) A board or commission that proposes to continue the 27281
employment as a reemployed retirant or rehire as a reemployed 27282
retirant to the same position an individual described in division 27283
(A) of this section shall do both of the following in accordance 27284
with rules adopted under division (C) of this section: 27285

(1) Not less than sixty days before the employment as a 27286

reemployed retirant is to begin, give public notice that the 27287
person is or will be retired and is seeking employment with the 27288
employer; 27289

(2) Between fifteen and thirty days before the employment as 27290
a reemployed retirant is to begin and after complying with 27291
division (B)(1) of this section, hold a public meeting on the 27292
issue of the person being employed by the employer. 27293

The notice regarding division (B)(1) of this section shall 27294
include the time, date, and location at which the public meeting 27295
is to take place. 27296

(C) The school employees retirement board shall adopt rules 27297
as necessary to implement this section. 27298

Sec. 3311.05. (A) The territory within the territorial limits 27299
of a county, or the territory included in a district formed under 27300
either section 3311.053 or 3311.059 of the Revised Code, exclusive 27301
of the territory embraced in any city school district or exempted 27302
village school district, and excluding the territory detached 27303
therefrom for school purposes and including the territory attached 27304
thereto for school purposes constitutes an educational service 27305
center. 27306

(B) A county school financing district created under section 27307
3311.50 of the Revised Code is not the school district described 27308
in division (A) of this section or any other school district but 27309
is a taxing district. 27310

Sec. 3311.059. The procedure prescribed in this section may 27311
be used in lieu of a transfer prescribed under section 3311.231 of 27312
the Revised Code. 27313

(A) Subject to divisions (B) and (C) of this section, a board 27314
of education of a local school district may by a resolution 27315
approved by a majority of all its members propose to sever that 27316

local school district from the territory of the educational 27317
service center in which the local school district is currently 27318
included and to instead annex the local school district to the 27319
territory of another educational service center, the current 27320
territory of which is adjacent to the territory of the educational 27321
service center in which the local school district is currently 27322
included. The resolution shall promptly be filed with the 27323
governing board of each educational service center affected by the 27324
resolution and with the superintendent of public instruction. 27325

(B) The resolution adopted under division (A) of this section 27326
shall not be effective unless it is approved by both the governing 27327
board of the educational service center to which the board of 27328
education proposes to annex the local school district and the 27329
state board of education. The severance of the local school 27330
district from one educational service center and its annexation to 27331
another educational service center under this section shall not be 27332
effective until one year after the first day of July following the 27333
later of the date that the governing board of the educational 27334
service center to which the local school district is proposed to 27335
be annexed approves the resolution or the date the board of 27336
elections certifies the results of the referendum election as 27337
provided in division (C) of this section. 27338

(C) Within sixty days following the date of the adoption of 27339
the resolution under division (A) of this section, the electors of 27340
the local school district may petition for a referendum vote on 27341
the resolution. The question whether to approve or disapprove the 27342
resolution shall be submitted to the electors of such school 27343
district if a number of qualified electors equal to twenty per 27344
cent of the number of electors in the school district who voted 27345
for the office of governor at the most recent general election for 27346
that office sign a petition asking that the question of whether 27347
the resolution shall be disapproved be submitted to the electors. 27348

The petition shall be filed with the board of elections of the 27349
county in which the school district is located. If the school 27350
district is located in more than one county, the petition shall be 27351
filed with the board of elections of the county in which the 27352
majority of the territory of the school district is located. The 27353
board shall certify the validity and sufficiency of the signatures 27354
on the petition. 27355

The board of elections shall immediately notify the board of 27356
education of the local school district and the governing board of 27357
each educational service center affected by the resolution that 27358
the petition has been filed. 27359

The effect of the resolution shall be stayed until the board 27360
of elections certifies the validity and sufficiency of the 27361
signatures on the petition. If the board of elections determines 27362
that the petition does not contain a sufficient number of valid 27363
signatures and sixty days have passed since the adoption of the 27364
resolution, the resolution shall become effective as provided in 27365
division (B) of this section. 27366

If the board of elections certifies that the petition 27367
contains a sufficient number of valid signatures, the board shall 27368
submit the question to the qualified electors of the school 27369
district on the day of the next general or primary election held 27370
at least seventy-five days after the board of elections certifies 27371
the validity and sufficiency of signatures on the petition. The 27372
election shall be conducted and canvassed and the results shall be 27373
certified in the same manner as in regular elections for the 27374
election of members of a board of education. 27375

If a majority of the electors voting on the question 27376
disapprove the resolution, the resolution shall not become 27377
effective. If a majority of the electors voting on the question 27378
approve the resolution, the resolution shall become effective as 27379
provided in division (B) of this section. 27380

(D) Upon the effective date of the severance of the local school district from one educational service center and its annexation to another educational service center as provided in division (B) of this section, the governing board of each educational service center shall take such steps for the election of members of the governing board and for organization of the governing board as prescribed in Chapter 3313. of the Revised Code. 27381
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(E) If a school district is severed from one educational service center and annexed to another service center under this section, the board of education of that school district shall not propose a subsequent severance and annexation action under this section that would be effective sooner than five years after the effective date of the next previous severance and annexation action under this section. 27389
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Sec. 3311.24. (A) Except as provided in division (B) of this section, if the board of education of a city, exempted village, or local school district deems it advisable to transfer territory from such district to an adjoining city, exempted village, or local school district, or if a petition, signed by seventy-five per cent of the qualified electors residing within that portion of a city, exempted village, or local school district proposed to be transferred voting at the last general election, requests such a transfer, the board of education of the district in which such proposal originates shall file such proposal, together with a map showing the boundaries of the territory proposed to be transferred, with the state board of education prior to the first day of April in any even-numbered year. The state board of education may, if it is advisable, provide for a hearing in any suitable place in any of the school districts affected by such proposed transfer of territory. The state board of education or 27396
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its representatives shall preside at any such hearing. 27412

A board of education of a city, exempted village, or local 27413
school district that receives a petition of transfer under this 27414
division shall cause the board of elections to check the 27415
sufficiency of signatures on the petition. 27416

Not later than the first day of September the state board of 27417
education shall either approve or disapprove a proposed transfer 27418
of territory filed with it as provided by this section and shall 27419
notify, in writing, the boards of education of the districts 27420
affected by such proposed transfer of territory of its decision. 27421

If the decision of the state board of education is an 27422
approval of the proposed transfer of territory then the board of 27423
education of the district in which the territory is located shall, 27424
within thirty days after receiving the state board of education's 27425
decision, adopt a resolution transferring the territory and shall 27426
forthwith submit a copy of such resolution to the treasurer of the 27427
board of education of the city, exempted village, or local school 27428
district to which the territory is transferred. Such transfer 27429
shall not be complete however, until: 27430

(1) A resolution accepting the transfer has been passed by a 27431
majority vote of the full membership of the board of education of 27432
the city, exempted village, or local school district to which the 27433
territory is transferred; 27434

(2) An equitable division of the funds and indebtedness 27435
between the districts involved has been made by the board of 27436
education making the transfer; 27437

(3) A map showing the boundaries of the territory transferred 27438
has been filed, by the board of education accepting the transfer, 27439
with the county auditor of each county affected by the transfer. 27440

When such transfer is complete the legal title of the school 27441
property in the territory transferred shall be vested in the board 27442

of education or governing board of the school district to which 27443
the territory is transferred. 27444

(B) Whenever the transfer of territory pursuant to this 27445
section is initiated by a board of education, the board shall, 27446
before filing a proposal for transfer with the state board of 27447
education under this section, make a good faith effort to 27448
negotiate the terms of transfer with any other school district 27449
whose territory would be affected by the transfer. Before the 27450
state board may hold a hearing on the transfer, or approve or 27451
disapprove any such transfer, it must receive the following: 27452

(1) A resolution requesting approval of the transfer, passed 27453
by the school district submitting the proposal; 27454

(2) Evidence determined to be sufficient by the state board 27455
to show that good faith negotiations have taken place or that the 27456
district requesting the transfer has made a good faith effort to 27457
hold such negotiations; 27458

(3) If any negotiations took place, a statement signed by all 27459
boards that participated in the negotiations, listing the terms 27460
agreed on and the points on which no agreement could be reached. 27461

Negotiations held pursuant to this section shall be governed 27462
by the rules adopted by the state board under division (D) of 27463
section 3311.06 of the Revised Code. Districts involved in a 27464
transfer under division (B) of this section may agree to share 27465
revenues from the property included in the territory to be 27466
transferred, establish cooperative programs between the 27467
participating districts, and establish mechanisms for the 27468
settlement of any future boundary disputes. 27469

~~Sec. 3311.26. A governing board of an educational service~~ 27470
~~center~~ The state board of education may, by resolution adopted by 27471
majority vote of its full membership, propose the creation of a 27472

new local school district from one or more local school districts 27473
or parts thereof, including the creation of a local district with 27474
noncontiguous territory from one or more local school districts if 27475
one of those districts has entered into an agreement under section 27476
3313.42 of the Revised Code. Such proposal shall include an 27477
accurate map showing the territory affected. After the adoption of 27478
the resolution, the ~~governing~~ state board shall file a copy of 27479
such proposal with the board of education of each school district 27480
whose boundaries would be altered by such proposal. 27481

~~A governing board of a service center proposing~~ Upon the 27482
creation of a new district under this section, the state board 27483
shall at its next regular meeting that occurs not earlier than 27484
thirty days after the adoption by the ~~governing~~ state board of the 27485
resolution proposing such creation, adopt a resolution making the 27486
creation effective prior to the next succeeding first day of July, 27487
unless, prior to the expiration of such thirty-day period, 27488
qualified electors residing in the area included in such proposed 27489
new district, equal in number to thirty-five per cent of the 27490
qualified electors voting at the last general election, file a 27491
petition of referendum against the creation of the proposed new 27492
district. 27493

A petition of referendum filed under this section shall be 27494
filed at the office of the ~~educational service center~~ state 27495
superintendent of public instruction. The person presenting the 27496
petition shall be given a receipt containing thereon the time of 27497
day, the date, and the purpose of the petition. 27498

If a petition of referendum is filed, the ~~governing~~ state 27499
board shall, at the next regular meeting of the ~~governing~~ state 27500
board, certify the proposal to the board of elections for the 27501
purpose of having the proposal placed on the ballot at the next 27502
general or primary election which occurs not less than 27503
seventy-five days after the date of such certification, or at a 27504

special election, the date of which shall be specified in the 27505
certification, which date shall not be less than seventy-five days 27506
after the date of such certification. 27507

Upon certification of a proposal to the board or boards of 27508
elections pursuant to this section, the board or boards of 27509
elections shall make the necessary arrangements for the submission 27510
of such question to the electors of the county or counties 27511
qualified to vote thereon, and the election shall be conducted and 27512
canvassed and the results shall be certified in the same manner as 27513
in regular elections for the election of members of a board of 27514
education. 27515

The persons qualified to vote upon a proposal are the 27516
electors residing in the proposed new districts. 27517

If the proposed district be approved by at least a majority 27518
of the electors voting on the proposal, the ~~governing state~~ board 27519
shall then create such new district prior to the next succeeding 27520
first day of July, ~~and shall so notify the state board of~~ 27521
~~education.~~ 27522

Upon the creation of such district, the indebtedness of each 27523
former district becoming in its entirety a part of the new 27524
district shall be assumed in full by the new district. Upon the 27525
creation of such district, that part of the net indebtedness of 27526
each former district becoming only in part a part of the new 27527
district shall be assumed by the new district which bears the same 27528
ratio to the entire net indebtedness of the former district as the 27529
assessed valuation of the part taken by the new district bears to 27530
the entire assessed valuation of the former district as fixed on 27531
the effective date of transfer. As used in this section, "net 27532
indebtedness" means the difference between the par value of the 27533
outstanding and unpaid bonds and notes of the school district and 27534
the amount held in the sinking fund and other indebtedness 27535
retirement funds for their redemption. Upon the creation of such 27536

district, the funds of each former district becoming in its 27537
entirety a part of the new district shall be paid over in full to 27538
the new district. Upon the creation of such district, the funds of 27539
each former district becoming only in part a part of the new 27540
district shall be divided equitably by the ~~governing~~ state board 27541
between the new district and that part of the former district not 27542
included in the new district as such funds existed on the 27543
effective date of the creation of the new district. 27544

The ~~governing~~ state board shall, following the election, file 27545
with the county auditor of each county affected by the creation of 27546
a new district an accurate map showing the boundaries of such 27547
newly created district. 27548

When a new local school district is so created ~~within an~~ 27549
~~educational service center~~, a board of education for such newly 27550
created district shall be appointed by the ~~educational service~~ 27551
~~center~~ ~~governing~~ state board. The members of such appointed board 27552
of education shall hold their office until their successors are 27553
elected and qualified. A board of education shall be elected for 27554
such newly created district at the next general election held in 27555
an odd numbered year occurring more than thirty days after the 27556
appointment of the board of education of such newly created 27557
district. At such election two members shall be elected for a term 27558
of two years and three members shall be elected for a term of four 27559
years, and, thereafter, their successors shall be elected in the 27560
same manner and for the same terms as members of the board of 27561
education of a local school district. 27562

When the new district consists of territory lying in two or 27563
more counties, the state board shall determine to which 27564
educational service center the new district shall be assigned. 27565

The legal title of all property of the board of education in 27566
the territory taken shall become vested in the board of education 27567
of the newly created school district. 27568

Foundation program moneys accruing to a district created 27569
under the provisions of this section or previous section 3311.26 27570
of the Revised Code, shall not be less, in any year during the 27571
next succeeding three years following the creation, than the sum 27572
of the amounts received by the districts separately in the year in 27573
which the creation of the district became effective. 27574

If, prior to the effective date of this amendment, a local 27575
school district board of education or a group of individuals 27576
requests the governing board of an educational service center to 27577
consider proposing the creation of a new local school district, 27578
the governing board, at any time during the one-year period 27579
following the date that request is made, may adopt a resolution 27580
proposing the creation of a new local school district in response 27581
to that request and in accordance with the first paragraph of the 27582
version of this section in effect prior to the effective date of 27583
this amendment. If the governing board so proposes within that 27584
one-year period, the governing board may proceed to create the new 27585
local school district as it proposed, in accordance with the 27586
version of this section in effect prior to the effective date of 27587
this amendment, subject to the provisions of that version 27588
authorizing a petition and referendum on the matter. 27589

Consolidations of school districts which include all of the 27590
schools of a county and which become effective on or after July 1, 27591
1959, shall be governed and included under this section. 27592

Sec. 3313.843. (A) Notwithstanding division (D) of section 27593
3311.52 of the Revised Code, this section does not apply to either 27594
of the following: 27595

(1) Any cooperative education school district; 27596

(2) Any city or exempted village school district with a total 27597
student count of thirteen thousand or more determined pursuant to 27598

section 3317.03 of the Revised Code that has not entered into one 27599
or more agreements pursuant to this section prior to July 1, 1993, 27600
unless the district's total student count did not exceed thirteen 27601
thousand at the time it entered into an initial agreement under 27602
this section. 27603

(B) The board of education of a city or exempted village 27604
school district and the governing board of an educational service 27605
center with territory in a county in which the city or exempted 27606
village school district also has territory may enter into an 27607
agreement, through adoption of identical resolutions, under which 27608
the educational service center governing board will provide 27609
services to the city or exempted village school district. 27610

Services provided under the agreement shall be specified in 27611
the agreement, and may include any one or a combination of the 27612
following: supervisory teachers; in-service and continuing 27613
education programs for city or exempted village school district 27614
personnel; curriculum services as provided to the local school 27615
districts under the supervision of the service center governing 27616
board; research and development programs; academic instruction for 27617
which the governing board employs teachers pursuant to section 27618
3319.02 of the Revised Code; and assistance in the provision of 27619
special accommodations and classes for handicapped students. 27620
Services included in the agreement shall be provided to the city 27621
or exempted village district in the same manner they are provided 27622
to local school districts under the governing board's supervision, 27623
unless otherwise specified in the agreement. The city or exempted 27624
village board of education shall reimburse the educational service 27625
center governing board pursuant to section 3317.11 of the Revised 27626
Code. 27627

(C)(1) If an educational service center received funding 27628
under division (B) of former section 3317.11 or division (F) of 27629
section 3317.11 of the Revised Code for an agreement under this 27630

section involving a city school district whose total student count 27631
was less than thirteen thousand, the service center may continue 27632
to receive funding under that division for such an agreement in 27633
any subsequent year if the city district's total student count 27634
exceeds thirteen thousand. However, only the first thirteen 27635
thousand pupils in the formula ADM of such district shall be 27636
included in determining the amount of the per pupil subsidy the 27637
service center shall receive under division ~~(B)~~(F) of section 27638
3317.11 of the Revised Code. 27639

(2) If, prior to ~~the effective date of this amendment~~ July 1, 27640
1998, an educational service center received funding under 27641
division (B) of former section 3317.11 of the Revised Code for a 27642
period of at least three years, for a good faith agreement under 27643
this section involving a city school district with no territory in 27644
the county in which the educational service center has territory, 27645
that educational service center and that city school district may 27646
enter into an agreement under this section, and the service center 27647
shall receive funding under division ~~(B)~~(F) of section 3317.11 of 27648
the Revised Code for any such agreement, notwithstanding the 27649
territorial boundaries of the service center and the city school 27650
district. 27651

(D) Any agreement entered into pursuant to this section shall 27652
be valid only if a copy is filed with the department of education 27653
by the first day of the school year for which the agreement is in 27654
effect. 27655

Sec. 3313.975. As used in this section and in sections 27656
3313.975 to 3313.979 of the Revised Code, "the pilot project 27657
school district" or "the district" means any school district 27658
included in the pilot project scholarship program pursuant to this 27659
section. 27660

(A) The superintendent of public instruction shall establish 27661

a pilot project scholarship program and shall include in such 27662
program any school districts that are or have ever been under 27663
federal court order requiring supervision and operational 27664
management of the district by the state superintendent. The 27665
program shall provide for a number of students residing in any 27666
such district to receive scholarships to attend alternative 27667
schools, and for an equal number of students to receive tutorial 27668
assistance grants while attending public school in any such 27669
district. 27670

(B) The state superintendent shall establish an application 27671
process and deadline for accepting applications from students 27672
residing in the district to participate in the scholarship 27673
program. In the initial year of the program students may only use 27674
a scholarship to attend school in grades kindergarten through 27675
third. 27676

The state superintendent shall award as many scholarships and 27677
tutorial assistance grants as can be funded given the amount 27678
appropriated for the program. In no case, however, shall more than 27679
fifty per cent of all scholarships awarded be used by students who 27680
were enrolled in a nonpublic school during the school year of 27681
application for a scholarship. 27682

(C)(1) The pilot project program shall continue in effect 27683
each year that the general assembly has appropriated sufficient 27684
money to fund scholarships and tutorial assistance grants. In each 27685
year the program continues, no new students may receive 27686
scholarships unless they are enrolled in grade kindergarten, one, 27687
two, or three. However, any student who has received a scholarship 27688
the preceding year may continue to receive one until the student 27689
has completed grade eight. Beginning in the 2003-2004 academic 27690
year, a student who previously has received a scholarship may 27691
receive a scholarship in grade nine. Beginning in the 2004-2005 27692
academic year, a student who previously has received a scholarship 27693

may receive a scholarship in grade ten. 27694

(2) If the general assembly discontinues the scholarship 27695
program, all students who are attending an alternative school 27696
under the pilot project shall be entitled to continued admittance 27697
to that specific school through all grades up to the ~~eighth~~ tenth 27698
grade that are provided in such school, under the same conditions 27699
as when they were participating in the pilot project. The state 27700
superintendent shall continue to make scholarship payments in 27701
accordance with division (A) or (B) of section 3313.979 of the 27702
Revised Code for students who remain enrolled in an alternative 27703
school under this provision in any year that funds have been 27704
appropriated for this purpose. 27705

If funds are not appropriated, the tuition charged to the 27706
parents of a student who remains enrolled in an alternative school 27707
under this provision shall not be increased beyond the amount 27708
equal to the amount of the scholarship plus any additional amount 27709
charged that student's parent in the most recent year of 27710
attendance as a participant in the pilot project, except that 27711
tuition for all the students enrolled in such school may be 27712
increased by the same percentage. 27713

(D) Notwithstanding sections 124.39, 3307.54, and 3319.17 of 27714
the Revised Code, if the pilot project school district experiences 27715
a decrease in enrollment due to participation in a state-sponsored 27716
scholarship program pursuant to sections 3313.974 to 3313.979 of 27717
the Revised Code, the district board of education may enter into 27718
an agreement with any teacher it employs to provide to that 27719
teacher severance pay or early retirement incentives, or both, if 27720
the teacher agrees to terminate the employment contract with the 27721
district board, provided any collective bargaining agreement in 27722
force pursuant to Chapter 4117. of the Revised Code does not 27723
prohibit such an agreement for termination of a teacher's 27724
employment contract. 27725

Sec. 3313.976. (A) No private school may receive scholarship 27726
payments from parents pursuant to section 3313.979 of the Revised 27727
Code until the chief administrator of the private school registers 27728
the school with the superintendent of public instruction. The 27729
state superintendent shall register any school that meets the 27730
following requirements: 27731

(1) The school is located within the boundaries of the pilot 27732
project school district; 27733

(2) The school indicates in writing its commitment to follow 27734
all requirements for a state-sponsored scholarship program 27735
specified under sections 3313.974 to 3313.979 of the Revised Code, 27736
including, but not limited to, the requirements for admitting 27737
students pursuant to section 3313.977 of the Revised Code; 27738

(3) The school meets all state minimum standards for 27739
chartered nonpublic schools in effect on July 1, 1992, except that 27740
the state superintendent at the superintendent's discretion may 27741
register nonchartered nonpublic schools meeting the other 27742
requirements of this division; 27743

(4) The school does not discriminate on the basis of race, 27744
religion, or ethnic background; 27745

(5) The school enrolls a minimum of ten students per class or 27746
a sum of at least twenty-five students in all the classes offered; 27747

(6) The school does not advocate or foster unlawful behavior 27748
or teach hatred of any person or group on the basis of race, 27749
ethnicity, national origin, or religion; 27750

(7) The school does not provide false or misleading 27751
information about the school to parents, students, or the general 27752
public; 27753

(8) ~~The~~ For students in grades kindergarten through eight, 27754
the school agrees not to charge any tuition to low-income families 27755

participating in receiving ninety per cent of the scholarship 27756
amount through the scholarship program, pursuant to division (A) 27757
of section 3313.978 of the Revised Code, in excess of ten per cent 27758
of the scholarship amount established pursuant to division (C)(1) 27759
of section 3313.978 of the Revised Code, excluding any increase 27760
described in division (C)(2) of that section. The school shall 27761
permit any such tuition, at the discretion of the parent, to be 27762
satisfied by the low-income family's provision of in-kind 27763
contributions or services. 27764

(9) For students in grades kindergarten through eight, the 27765
school agrees not to charge any tuition to low-income families 27766
receiving a seventy-five per cent scholarship amount through the 27767
scholarship program, pursuant to division (A) of section 3313.978 27768
of the Revised Code, in excess of the difference between the 27769
actual tuition charge of the school and seventy-five per cent of 27770
the scholarship amount established pursuant to division (C)(1) of 27771
section 3313.978 of the Revised Code, excluding any increase 27772
described in division (C)(2) of that section. The school shall 27773
permit such tuition, at the discretion of the parent, to be 27774
satisfied by the low-income family's provision of in-kind 27775
contributions or services. 27776

(10) The school agrees not to charge any tuition to families 27777
of students in grades nine and ten receiving a scholarship in 27778
excess of the actual tuition charge of the school less 27779
seventy-five or ninety per cent of the scholarship amount 27780
established pursuant to division (C)(1) of section 3313.978 of the 27781
Revised Code, as applicable, excluding any increase described in 27782
division (C)(2) of that section. 27783

(B) The state superintendent shall revoke the registration of 27784
any school if, after a hearing, the superintendent determines that 27785
the school is in violation of any of the provisions of division 27786
(A) of this section. 27787

(C) Any public school located in a school district adjacent 27788
to the pilot project district may receive scholarship payments on 27789
behalf of parents pursuant to section 3313.979 of the Revised Code 27790
if the superintendent of the district in which such public school 27791
is located notifies the state superintendent prior to the first 27792
day of March that the district intends to admit students from the 27793
pilot project district for the ensuing school year pursuant to 27794
section 3327.06 of the Revised Code. 27795

(D) Any parent wishing to purchase tutorial assistance from 27796
any person or governmental entity pursuant to the pilot project 27797
program under sections 3313.974 to 3313.979 of the Revised Code 27798
shall apply to the state superintendent. The state superintendent 27799
shall approve providers who appear to possess the capability of 27800
furnishing the instructional services they are offering to 27801
provide. 27802

Sec. 3313.977. (A)(1) Each registered private school shall 27803
admit students to kindergarten and first, second, and third grades 27804
in accordance with the following priorities: 27805

(a) Students who were enrolled in the school during the 27806
preceding year; 27807

(b) Siblings of students enrolled in the school during the 27808
preceding year, at the discretion of the school; 27809

(c) Children from low-income families attending school or 27810
residing in the school district in which the school is located 27811
until the number of such students in each grade equals the number 27812
that constituted twenty per cent of the total number of students 27813
enrolled in the school during the preceding year in such grade. 27814
Admission of such twenty per cent shall be by lot from among all 27815
low-income family applicants who apply prior to the fifteenth day 27816
of February prior to admission. 27817

(d) All other applicants residing anywhere, provided that all remaining available spaces shall be filled from among such applicants by lot.

Children from low-income families not selected by lot under division (A)(1)(c) of this section shall be included in the lottery of all remaining applicants pursuant to division (A)(1)(d) of this section.

(2) Each registered private school shall first admit to grades four through ~~eight~~ ten students who were enrolled in the school during the preceding year. Any remaining spaces for students in these grades may be filled as determined by the school.

(B) Notwithstanding division (A) of this section, except where otherwise prohibited by federal law, a registered private school may elect to admit students of only one gender and may deny admission to any separately educated handicapped student.

(C) If a scholarship student who has been accepted in accordance with this section fails to enroll in the school for any reason or withdraws from the school during the school year for any reason, the school may elect to replace such student with another scholarship student only by first offering the admission to any low-income scholarship students who filed applications by the preceding fifteenth day of February and who were not accepted at that time due to space limitations.

Sec. 3313.978. (A) Annually by the first day of November, the superintendent of public instruction shall notify the pilot project school district of the number of initial scholarships that the state superintendent will be awarding in each of grades kindergarten through third.

The state superintendent shall provide information about the

scholarship program to all students residing in the district, 27848
shall accept applications from any such students until such date 27849
as shall be established by the state superintendent as a deadline 27850
for applications, and shall establish criteria for the selection 27851
of students to receive scholarships from among all those applying 27852
prior to the deadline, which criteria shall give preference to 27853
students from low-income families. For each student selected, the 27854
state superintendent shall also determine whether the student 27855
qualifies for seventy-five or ninety per cent of the scholarship 27856
amount. Students whose family income is at or above two hundred 27857
per cent of the maximum income level established by the state 27858
superintendent for low-income families shall qualify for 27859
seventy-five per cent of the scholarship amount and students whose 27860
family income is below two hundred per cent of that maximum income 27861
level shall qualify for ninety per cent of the scholarship amount. 27862
The state superintendent shall notify students of their selection 27863
prior to the fifteenth day of January and whether they qualify for 27864
seventy-five or ninety per cent of the scholarship amount. 27865

(1) A student receiving a pilot project scholarship may 27866
utilize it at an alternative public school by notifying the 27867
district superintendent, at any time before the beginning of the 27868
school year, of the name of the public school in an adjacent 27869
school district to which the student has been accepted pursuant to 27870
section 3327.06 of the Revised Code. 27871

(2) A student may decide to utilize a pilot project 27872
scholarship at a registered private school in the district if all 27873
of the following conditions are met: 27874

(a) By the fifteenth day of February of the preceding school 27875
year, or at any time prior to the start of the school year, the 27876
parent makes an application on behalf of the student to a 27877
registered private school. 27878

(b) The registered private school notifies the parent and the 27879

state superintendent as follows that the student has been 27880
admitted: 27881

(i) By the fifteenth day of March of the preceding school 27882
year if the student filed an application by the fifteenth day of 27883
February and was admitted by the school pursuant to division (A) 27884
of section 3313.977 of the Revised Code; 27885

(ii) Within one week of the decision to admit the student if 27886
the student is admitted pursuant to division (C) of section 27887
3313.977 of the Revised Code. 27888

(c) The student actually enrolls in the registered private 27889
school to which the student was first admitted or in another 27890
registered private school in the district or in a public school in 27891
an adjacent school district. 27892

(B) The state superintendent shall also award in any school 27893
year tutorial assistance grants to a number of students equal to 27894
the number of students who receive scholarships under division (A) 27895
of this section. Tutorial assistance grants shall be awarded 27896
solely to students who are enrolled in the public schools of the 27897
district in a grade level covered by the pilot project. Tutorial 27898
assistance grants may be used solely to obtain tutorial assistance 27899
from a provider approved pursuant to division (D) of section 27900
3313.976 of the Revised Code. 27901

All students wishing to obtain tutorial assistance grants 27902
shall make application to the state superintendent by the first 27903
day of the school year in which the assistance will be used. The 27904
state superintendent shall award assistance grants in accordance 27905
with criteria the superintendent shall establish. For each student 27906
awarded a grant, the state superintendent shall also determine 27907
whether the student qualifies for seventy-five or ninety per cent 27908
of the grant amount and so notify the student. Students whose 27909
family income is at or above two hundred per cent of the maximum 27910

income level established by the state superintendent for 27911
low-income families shall qualify for seventy-five per cent of the 27912
grant amount and students whose family income is below two hundred 27913
per cent of that maximum income level shall qualify for ninety per 27914
cent of the grant amount. 27915

(C)(1) In the case of basic scholarships for students in 27916
grades kindergarten through eight, the scholarship amount shall 27917
not exceed the lesser of the tuition charges of the alternative 27918
school the scholarship recipient attends or an amount established 27919
by the state superintendent not in excess of ~~twenty-five hundred~~ 27920
three thousand dollars. 27921

In the case of basic scholarships for students in grades nine 27922
and ten, the scholarship amount shall not exceed the lesser of the 27923
tuition charges of the alternative school the scholarship 27924
recipient attends or an amount established by the state 27925
superintendent not in excess of two thousand seven hundred 27926
dollars. 27927

(2) The state superintendent shall provide for an increase in 27928
the basic scholarship amount in the case of any student who is a 27929
mainstreamed handicapped student and shall further increase such 27930
amount in the case of any separately educated handicapped child. 27931
Such increases shall take into account the instruction, related 27932
services, and transportation costs of educating such students. 27933

(3) In the case of tutorial assistance grants, the grant 27934
amount shall not exceed the lesser of the provider's actual 27935
charges for such assistance or a percentage established by the 27936
state superintendent, not to exceed twenty per cent, of the amount 27937
of the pilot project school district's average basic scholarship 27938
amount. 27939

(4) No scholarship or tutorial assistance grant shall be 27940
awarded unless the state superintendent determines that 27941

twenty-five or ten per cent, as applicable, of the amount 27942
specified for such scholarship or grant pursuant to division 27943
(C)(1), (2), or (3) of this section will be furnished by a 27944
political subdivision, a private nonprofit or for profit entity, 27945
or another person. Only seventy-five or ninety per cent of such 27946
amounts, as applicable, shall be paid from state funds pursuant to 27947
section 3313.979 of the Revised Code. 27948

(D)(1) Annually by the first day of November, the state 27949
superintendent shall estimate the maximum per-pupil scholarship 27950
amounts for the ensuing school year. The state superintendent 27951
shall make this estimate available to the general public at the 27952
offices of the district board of education together with the forms 27953
required by division (D)(2) of this section. 27954

(2) Annually by the fifteenth day of January, the chief 27955
administrator of each registered private school located in the 27956
pilot project district and the principal of each public school in 27957
such district shall complete a parental information form and 27958
forward it to the president of the board of education. The 27959
parental information form shall be prescribed by the department of 27960
education and shall provide information about the grade levels 27961
offered, the numbers of students, tuition amounts, achievement 27962
test results, and any sectarian or other organizational 27963
affiliations. 27964

Sec. 3313.979. Each scholarship ~~or grant~~ to be used for 27965
payments to a registered private school ~~or to an approved tutorial~~ 27966
~~assistance provider~~ is payable to the parents of the student 27967
entitled to the scholarship ~~or grant~~. Each scholarship to be used 27968
for payments to a public school in an adjacent school district is 27969
payable to the school district of attendance by the superintendent 27970
of public instruction. Each grant to be used for payments to an 27971
approved tutorial assistance provider is payable to the approved 27972

tutorial assistance provider. 27973

(A)(1) By the fifteenth day of each month of the school year 27974
that any scholarship students are enrolled in a registered private 27975
school, the chief administrator of that school shall notify the 27976
state superintendent of: 27977

(a) The number of students who were reported to the school 27978
district as having been admitted by that private school pursuant 27979
to division (A)(2)(b) of section 3313.978 of the Revised Code and 27980
who were still enrolled in the private school as of the first day 27981
of such month, and the numbers of such students who qualify for 27982
seventy-five and ninety per cent of the scholarship amount; 27983

(b) The number of students who were reported to the school 27984
district as having been admitted by another private school 27985
pursuant to division (A)(2)(b) of section 3313.978 of the Revised 27986
Code and since the date of admission have transferred to the 27987
school providing the notification under division (A)(1) of this 27988
section, and the numbers of such students who qualify for 27989
seventy-five and ninety per cent of the scholarship amount. 27990

(2) From time to time, the state superintendent shall make a 27991
payment to the parent of each student entitled to a scholarship. 27992
Each payment shall include for each student reported under 27993
division (A)(1) of this section, a portion of seventy-five or 27994
ninety per cent, as applicable, of the scholarship amount 27995
specified in divisions (C)(1) and (2) of section 3313.978 of the 27996
Revised Code. This amount shall be proportionately reduced in the 27997
case of any such student who is not enrolled in a registered 27998
private school for the entire school year. 27999

(3) The first payment under this division shall be made by 28000
the last day of November and shall equal one-third of seventy-five 28001
or ninety per cent, as applicable, of the estimated total amount 28002
that will be due to the parent for the school year pursuant to 28003

division (A)(2) of this section. 28004

(B) The state superintendent, on behalf of the parents of a 28005
scholarship student enrolled in a public school in an adjacent 28006
school district pursuant to section 3327.06 of the Revised Code, 28007
shall make the tuition payments required by that section to the 28008
school district admitting the student, except that, 28009
notwithstanding sections 3323.13, 3323.14, and 3327.06 of the 28010
Revised Code, the total payments in any school year shall not 28011
exceed seventy-five or ninety per cent, as applicable, of the 28012
scholarship amount provided in divisions (C)(1) and (2) of section 28013
3313.978 of the Revised Code. 28014

(C) Whenever an approved provider provides tutorial 28015
assistance to a student, the state superintendent shall pay the 28016
~~parent~~ approved provider for such costs upon receipt of a 28017
statement ~~from the parent~~ specifying the services provided and the 28018
costs of the services, which statement shall be signed by the 28019
provider and verified by the chief administrator having 28020
supervisory control over the tutoring site. The total payments to 28021
any ~~parent~~ approved provider under this division for all provider 28022
services to any individual student in any school year shall not 28023
exceed seventy-five or ninety per cent, as applicable, of the 28024
grant amount provided in division (C)(3) of section 3313.978 of 28025
the Revised Code. 28026

Sec. 3313.981. (A) The state board shall adopt rules 28027
requiring all of the following: 28028

(1) The board of education of each city, exempted village, 28029
and local school district to annually report to the department of 28030
education all of the following: 28031

(a) The number of adjacent district or other district 28032
students, as applicable, and adjacent district or other district 28033
joint vocational students, as applicable, enrolled in the district 28034

and the number of native students enrolled in adjacent or other	28035
districts, in accordance with a policy adopted under division (B)	28036
of section 3313.98 of the Revised Code;	28037
(b) Each adjacent district or other district student's or	28038
adjacent district or other district joint vocational student's	28039
date of enrollment in the district;	28040
(c) The full-time equivalent number of adjacent district or	28041
other district students enrolled in vocational education programs	28042
or classes described in division (A) of section 3317.014 of the	28043
Revised Code and the full-time equivalent number of such students	28044
enrolled in vocational education programs or classes described in	28045
division (B) of that section;	28046
(d) Each native student's date of enrollment in an adjacent	28047
or other district.	28048
(2) The board of education of each joint vocational school	28049
district to annually report to the department all of the	28050
following:	28051
(a) The number of adjacent district or other district joint	28052
vocational students, as applicable, enrolled in the district;	28053
(b) The full-time equivalent number of adjacent district or	28054
other district joint vocational students enrolled in vocational	28055
education programs or classes described in division (A) of section	28056
3317.014 of the Revised Code and the full-time equivalent number	28057
of such students enrolled in vocational education programs or	28058
classes described in division (B) of that section;	28059
(c) For each adjacent district or other district joint	28060
vocational student, the city, exempted village, or local school	28061
district in which the student is also enrolled.	28062
(3) Prior to the first full school week in October each year,	28063
the superintendent of each city, local, or exempted village school	28064

district that admits adjacent district or other district students 28065
or adjacent district or other district joint vocational students 28066
in accordance with a policy adopted under division (B) of section 28067
3313.98 of the Revised Code to notify each adjacent or other 28068
district where those students are entitled to attend school under 28069
section 3313.64 or 3313.65 of the Revised Code of the number of 28070
the adjacent or other district's native students who are enrolled 28071
in the superintendent's district under the policy. 28072

The rules shall provide for the method of counting students 28073
who are enrolled for part of a school year in an adjacent or other 28074
district or as an adjacent district or other district joint 28075
vocational student. 28076

(B) From the payments made to a city, exempted village, or 28077
local school district under Chapter 3317. of the Revised Code, the 28078
department of education shall annually subtract both of the 28079
following: 28080

(1) An amount equal to the number of the district's native 28081
students reported under division (A)(1) of this section who are 28082
enrolled in adjacent or other school districts pursuant to 28083
policies adopted by such districts under division (B) of section 28084
3313.98 of the Revised Code multiplied by the adjusted formula 28085
amount for the district; 28086

(2) The excess costs computed in accordance with division (E) 28087
of this section for any such native students receiving special 28088
education and related services in adjacent or other school 28089
districts or as an adjacent district or other district joint 28090
vocational student; 28091

(3) For the full-time equivalent number of the district's 28092
native students reported under division (A)(1)(c) or (2)(b) of 28093
this section as enrolled in vocational education programs or 28094
classes described in section 3317.014 of the Revised Code, an 28095

amount equal to the formula amount times the applicable multiple 28096
prescribed by that section. 28097

(C) To the payments made to a city, exempted village, or 28098
local school district under Chapter 3317. of the Revised Code, the 28099
department of education shall annually add all of the following: 28100

(1) An amount equal to the adjusted formula amount for the 28101
district multiplied by the remainder obtained by subtracting the 28102
number of adjacent district or other district joint vocational 28103
students from the number of adjacent district or other district 28104
students enrolled in the district, as reported under division 28105
(A)(1) of this section; 28106

(2) The excess costs computed in accordance with division (E) 28107
of this section for any adjacent district or other district 28108
students, except for any adjacent or other district joint 28109
vocational students, receiving special education and related 28110
services in the district; 28111

(3) For the full-time equivalent number of the adjacent or 28112
other district students who are not adjacent district or other 28113
district joint vocational students and are reported under division 28114
(A)(1)(c) of this section as enrolled in vocational education 28115
programs or classes described in section 3317.014 of the Revised 28116
Code, an amount equal to the formula amount times the applicable 28117
multiple prescribed by that section; 28118

(4) An amount equal to the number of adjacent district or 28119
other district joint vocational students reported under division 28120
(A)(1) of this section multiplied by an amount equal to ~~one-fourth~~ 28121
twenty per cent of the adjusted formula amount for the district. 28122

(D) To the payments made to a joint vocational school 28123
district under Chapter 3317. of the Revised Code, the department 28124
of education shall add, for each adjacent district or other 28125
district joint vocational student reported under division (A)(2) 28126

of this section, both of the following:	28127
(1) An amount equal to the adjusted formula amount of the city, exempted village, or local school district in which the student is also enrolled;	28128 28129 28130
(2) An amount equal to the full-time equivalent number of students reported pursuant to division (A)(2)(b) of this section times the formula amount times the applicable multiple prescribed by section 3317.014 of the Revised Code.	28131 28132 28133 28134
(E)(1) A city, exempted village, or local school board providing special education and related services to an adjacent or other district student in accordance with an IEP shall, pursuant to rules of the state board, compute the excess costs to educate such student as follows:	28135 28136 28137 28138 28139
(a) Subtract the adjusted formula amount for the district from the actual costs to educate the student;	28140 28141
(b) From the amount computed under division (E)(1)(a) of this section subtract the amount of any funds received by the district under Chapter 3317. of the Revised Code to provide special education and related services to the student.	28142 28143 28144 28145
(2) The board shall report the excess costs computed under this division to the department of education.	28146 28147
(3) If any student for whom excess costs are computed under division (E)(1) of this section is an adjacent or other district joint vocational student, the department of education shall add the amount of such excess costs to the payments made under Chapter 3317. of the Revised Code to the joint vocational school district enrolling the student.	28148 28149 28150 28151 28152 28153
(F) As provided in division (D)(1)(b) of section 3317.03 of the Revised Code, no joint vocational school district shall count any adjacent or other district joint vocational student enrolled	28154 28155 28156

in the district in its formula ADM certified under section 3317.03 28157
of the Revised Code. 28158

(G) No city, exempted village, or local school district shall 28159
receive a payment under division (C) of this section for a 28160
student, and no joint vocational school district shall receive a 28161
payment under division (D) of this section for a student, if for 28162
the same school year that student is counted in the district's 28163
formula ADM certified under section 3317.03 of the Revised Code. 28164

(H) Upon request of a parent, and provided the board offers 28165
transportation to native students of the same grade level and 28166
distance from school under section 3327.01 of the Revised Code, a 28167
city, exempted village, or local school board enrolling an 28168
adjacent or other district student shall provide transportation 28169
for the student within the boundaries of the board's district, 28170
except that the board shall be required to pick up and drop off a 28171
nonhandicapped student only at a regular school bus stop 28172
designated in accordance with the board's transportation policy. 28173
Pursuant to rules of the state board of education, such board may 28174
reimburse the parent from funds received under division (D) of 28175
section 3317.022 of the Revised Code for the reasonable cost of 28176
transportation from the student's home to the designated school 28177
bus stop if the student's family has an income below the federal 28178
poverty line. 28179

Sec. 3314.02. (A) As used in this chapter: 28180

(1) "Sponsor" means an entity listed in division (C)(1) of 28181
this section, which has been approved by the department of 28182
education to sponsor community schools and with which the 28183
governing authority of the proposed community school enters into a 28184
contract pursuant to this section. 28185

(2) "Pilot project area" means the school districts included 28186
in the territory of the former community school pilot project 28187

established by former Section 50.52 of Am. Sub. H.B. No. 215 of	28188
the 122nd general assembly.	28189
(3) "Challenged school district" means any of the following:	28190
(a) A school district that is part of the pilot project area;	28191
(b) A school district that is either in a state of academic	28192
emergency or in a state of academic watch under section 3302.03 of	28193
the Revised Code;	28194
(c) A big eight school district;	28195
(d) An urban school district.	28196
(4) "Big eight school district" means a school district that	28197
for fiscal year 1997 had both of the following:	28198
(a) A percentage of children residing in the district and	28199
participating in the predecessor of Ohio works first greater than	28200
thirty per cent, as reported pursuant to section 3317.10 of the	28201
Revised Code;	28202
(b) An average daily membership greater than twelve thousand,	28203
as reported pursuant to former division (A) of section 3317.03 of	28204
the Revised Code.	28205
(5) "New start-up school" means a community school other than	28206
one created by converting all or part of an existing public	28207
school, as designated in the school's contract pursuant to	28208
division (A)(17) of section 3314.03 of the Revised Code.	28209
(6) "Urban school district" means one of the state's	28210
twenty-one urban school districts as defined in division (O) of	28211
section 3317.02 of the Revised Code as that section existed prior	28212
to July 1, 1998.	28213
(7) "Internet- or computer-based community school" means a	28214
community school established under this chapter in which the	28215
enrolled students work primarily from their residences on	28216
assignments <u>in non-classroom-based learning opportunities</u> provided	28217

via an internet- or other computer-based instructional method that 28218
does not rely on regular classroom instruction or via 28219
comprehensive instructional methods that include internet-based, 28220
other computer-based, and non-computer-based learning 28221
opportunities. 28222

(B) Any person or group of individuals may initially propose 28223
under this division the conversion of all or a portion of a public 28224
school to a community school. The proposal shall be made to the 28225
board of education of the city, local, or exempted village school 28226
district in which the public school is proposed to be converted. 28227
Upon receipt of a proposal, a board may enter into a preliminary 28228
agreement with the person or group proposing the conversion of the 28229
public school, indicating the intention of the board of education 28230
to support the conversion to a community school. A proposing 28231
person or group that has a preliminary agreement under this 28232
division may proceed to finalize plans for the school, establish a 28233
governing authority for the school, and negotiate a contract with 28234
the board of education. Provided the proposing person or group 28235
adheres to the preliminary agreement and all provisions of this 28236
chapter, the board of education shall negotiate in good faith to 28237
enter into a contract in accordance with section 3314.03 of the 28238
Revised Code and division (C) of this section. 28239

(C)(1) Any person or group of individuals may propose under 28240
this division the establishment of a new start-up school to be 28241
located in a challenged school district. The proposal may be made 28242
to any of the following entities: 28243

(a) The board of education of the district in which the 28244
school is proposed to be located; 28245

(b) The board of education of any joint vocational school 28246
district with territory in the county in which is located the 28247
majority of the territory of the district in which the school is 28248
proposed to be located; 28249

(c) The board of education of any other city, local, or 28250
exempted village school district having territory in the same 28251
county where the district in which the school is proposed to be 28252
located has the major portion of its territory; 28253

(d) The governing board of any educational service center ~~as~~ 28254
~~long as the proposed school will be located in a county within the~~ 28255
~~territory of the service center or in a county contiguous to such~~ 28256
~~county;~~ 28257

(e) A sponsoring authority designated by the board of 28258
trustees of any of the thirteen state universities listed in 28259
section 3345.011 of the Revised Code or the board of trustees 28260
itself as long as a mission of the proposed school to be specified 28261
in the contract under division (A)(2) of section 3314.03 of the 28262
Revised Code and as approved by the department of education under 28263
division (B)(2) of section 3314.015 of the Revised Code will be 28264
the practical demonstration of teaching methods, educational 28265
technology, or other teaching practices that are included in the 28266
curriculum of the university's teacher preparation program 28267
approved by the state board of education; 28268

(f) Any qualified tax-exempt entity under section 501(c)(3) 28269
of the Internal Revenue Code as long as all of the following 28270
conditions are satisfied: 28271

(i) The entity has been in operation for at least five years 28272
prior to applying to be a community school sponsor. 28273

(ii) The entity has assets of at least five hundred thousand 28274
dollars. 28275

(iii) The department of education has determined that the 28276
entity is an education-oriented entity under division (B)(3) of 28277
section 3314.015 of the Revised Code. 28278

Until July 1, 2005, any entity described in division 28279

(C)(1)(f) of this section may sponsor only schools that formerly 28280
were sponsored by the state board of education under division 28281
(C)(1)(d) of this section, as it existed prior to April 8, 2003. 28282
After July 1, 2005, such entity may sponsor any new or existing 28283
school. 28284

Any entity described in division (C)(1) of this section may 28285
enter into a preliminary agreement pursuant to division (C)(2) of 28286
this section with the proposing person or group. 28287

(2) A preliminary agreement indicates the intention of an 28288
entity described in division (C)(1) of this section to sponsor the 28289
community school. A proposing person or group that has such a 28290
preliminary agreement may proceed to finalize plans for the 28291
school, establish a governing authority as described in division 28292
(E) of this section for the school, and negotiate a contract with 28293
the entity. Provided the proposing person or group adheres to the 28294
preliminary agreement and all provisions of this chapter, the 28295
entity shall negotiate in good faith to enter into a contract in 28296
accordance with section 3314.03 of the Revised Code. 28297

(3) A new start-up school that is established in a school 28298
district while that district is either in a state of academic 28299
emergency or in a state of academic watch under section 3302.03 of 28300
the Revised Code may continue in existence once the school 28301
district is no longer in a state of academic emergency or academic 28302
watch, provided there is a valid contract between the school and a 28303
sponsor. 28304

(4) A copy of every preliminary agreement entered into under 28305
this division shall be filed with the superintendent of public 28306
instruction. 28307

(D) A majority vote of the board of a sponsoring entity and a 28308
majority vote of the members of the governing authority of a 28309
community school shall be required to adopt a contract and convert 28310

the public school to a community school or establish the new 28311
start-up school. Up to the statewide limit prescribed in section 28312
3314.013 of the Revised Code, an unlimited number of community 28313
schools may be established in any school district provided that a 28314
contract is entered into for each community school pursuant to 28315
this chapter. 28316

(E) As used in this division, "immediate relatives" are 28317
limited to spouses, children, parents, grandparents, siblings, and 28318
in-laws. 28319

Each new start-up community school established under this 28320
chapter shall be under the direction of a governing authority 28321
which shall consist of a board of not less than five individuals 28322
who are not owners or employees, or immediate relatives of owners 28323
or employees, of any for-profit firm that operates or manages a 28324
school for the governing authority. 28325

No person shall serve on the governing authority or operate 28326
the community school under contract with the governing authority 28327
so long as the person owes the state any money or is in a dispute 28328
over whether the person owes the state any money concerning the 28329
operation of a community school that has closed. 28330

(F) Nothing in this chapter shall be construed to permit the 28331
establishment of a community school in more than one school 28332
district under the same contract. 28333

Sec. 3314.03. A copy of every contract entered into under 28334
this section shall be filed with the superintendent of public 28335
instruction. 28336

(A) Each contract entered into between a sponsor and the 28337
governing authority of a community school shall specify the 28338
following: 28339

(1) That the school shall be established as either of the 28340

following:	28341
(a) A nonprofit corporation established under Chapter 1702.	28342
of the Revised Code, if established prior to the effective date of	28343
this amendment <u>April 8, 2003</u> ;	28344
(b) A public benefit corporation established under Chapter	28345
1702. of the Revised Code, if established after the effective date	28346
of this amendment <u>April 8, 2003</u> ;	28347
(2) The education program of the school, including the	28348
school's mission, the characteristics of the students the school	28349
is expected to attract, the ages and grades of students, and the	28350
focus of the curriculum;	28351
(3) The academic goals to be achieved and the method of	28352
measurement that will be used to determine progress toward those	28353
goals, which shall include the statewide achievement tests;	28354
(4) Performance standards by which the success of the school	28355
will be evaluated by the sponsor;	28356
(5) The admission standards of section 3314.06 of the Revised	28357
Code;	28358
(6)(a) Dismissal procedures;	28359
(b) A requirement that the governing authority adopt an	28360
attendance policy that includes a procedure for automatically	28361
withdrawing a student from the school if the student without a	28362
legitimate excuse fails to participate in one hundred five	28363
cumulative <u>consecutive</u> hours of the learning opportunities offered	28364
to the student. Such a policy shall provide for withdrawing the	28365
student by the end of the thirtieth day after the student has	28366
failed to participate as required under this division.	28367
(7) The ways by which the school will achieve racial and	28368
ethnic balance reflective of the community it serves;	28369
(8) Requirements for financial audits by the auditor of	28370

state. The contract shall require financial records of the school 28371
to be maintained in the same manner as are financial records of 28372
school districts, pursuant to rules of the auditor of state, and 28373
the audits shall be conducted in accordance with section 117.10 of 28374
the Revised Code. 28375

(9) The facilities to be used and their locations; 28376

(10) Qualifications of teachers, including a requirement that 28377
the school's classroom teachers be licensed in accordance with 28378
sections 3319.22 to 3319.31 of the Revised Code, except that a 28379
community school may engage noncertificated persons to teach up to 28380
twelve hours per week pursuant to section 3319.301 of the Revised 28381
Code; 28382

(11) That the school will comply with the following 28383
requirements: 28384

(a) The school will provide learning opportunities to a 28385
minimum of twenty-five students for a minimum of nine hundred 28386
twenty hours per school year; 28387

(b) The governing authority will purchase liability 28388
insurance, or otherwise provide for the potential liability of the 28389
school; 28390

(c) The school will be nonsectarian in its programs, 28391
admission policies, employment practices, and all other 28392
operations, and will not be operated by a sectarian school or 28393
religious institution; 28394

(d) The school will comply with sections 9.90, 9.91, 109.65, 28395
121.22, 149.43, 2151.358, 2151.421, 2313.18, 3301.0710, 3301.0711, 28396
3301.0712, 3301.0715, 3313.50, 3313.608, 3313.6012, 3313.643, 28397
3313.648, 3313.66, 3313.661, 3313.662, 3313.67, 3313.671, 28398
3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 3313.80, 3313.96, 28399
3319.073, 3319.321, 3319.39, 3321.01, 3321.13, 3321.14, 3321.17, 28400
3321.18, 3321.19, 3321.191, 3327.10, 4111.17, 4113.52, and 28401

5705.391 and Chapters 117., 1347., 2744., 3365., 3742., 4112., 28402
4123., 4141., and 4167. of the Revised Code as if it were a school 28403
district and will comply with section 3301.0714 of the Revised 28404
Code in the manner specified in section 3314.17 of the Revised 28405
Code; 28406

(e) The school shall comply with Chapter 102. of the Revised 28407
Code except that nothing in that chapter shall prohibit a member 28408
of the school's governing board from also being an employee of the 28409
school and nothing in that chapter or section 2921.42 of the 28410
Revised Code shall prohibit a member of the school's governing 28411
board from having an interest in a contract into which the 28412
governing board enters that is not a contract with a for-profit 28413
firm for the operation or management of a school under the 28414
auspices of the governing authority; 28415

(f) The school will comply with sections 3313.61, 3313.611, 28416
and 3313.614 of the Revised Code, except that the requirement in 28417
sections 3313.61 and 3313.611 of the Revised Code that a person 28418
must successfully complete the curriculum in any high school prior 28419
to receiving a high school diploma may be met by completing the 28420
curriculum adopted by the governing authority of the community 28421
school rather than the curriculum specified in Title XXXIII of the 28422
Revised Code or any rules of the state board of education; 28423

(g) The school governing authority will submit within four 28424
months after the end of each school year a report of its 28425
activities and progress in meeting the goals and standards of 28426
divisions (A)(3) and (4) of this section and its financial status 28427
to the sponsor, the parents of all students enrolled in the 28428
school, and the legislative office of education oversight. The 28429
school will collect and provide any data that the legislative 28430
office of education oversight requests in furtherance of any study 28431
or research that the general assembly requires the office to 28432
conduct, including the studies required under Section 50.39 of Am. 28433

Sub. H.B. 215 of the 122nd general assembly and Section 50.52.2 of	28434
Am. Sub. H.B. 215 of the 122nd general assembly, as amended.	28435
(12) Arrangements for providing health and other benefits to	28436
employees;	28437
(13) The length of the contract, which shall begin at the	28438
beginning of an academic year. No contract shall exceed five years	28439
unless such contract has been renewed pursuant to division (E) of	28440
this section.	28441
(14) The governing authority of the school, which shall be	28442
responsible for carrying out the provisions of the contract;	28443
(15) A financial plan detailing an estimated school budget	28444
for each year of the period of the contract and specifying the	28445
total estimated per pupil expenditure amount for each such year.	28446
The plan shall specify for each year the base formula amount that	28447
will be used for purposes of funding calculations under section	28448
3314.08 of the Revised Code. This base formula amount for any year	28449
shall not exceed the formula amount defined under section 3317.02	28450
of the Revised Code. The plan may also specify for any year a	28451
percentage figure to be used for reducing the per pupil amount of	28452
disadvantaged pupil impact aid calculated pursuant to section	28453
3317.029 of the Revised Code the school is to receive that year	28454
under section 3314.08 of the Revised Code.	28455
(16) Requirements and procedures regarding the disposition of	28456
employees of the school in the event the contract is terminated or	28457
not renewed pursuant to section 3314.07 of the Revised Code;	28458
(17) Whether the school is to be created by converting all or	28459
part of an existing public school or is to be a new start-up	28460
school, and if it is a converted public school, specification of	28461
any duties or responsibilities of an employer that the board of	28462
education that operated the school before conversion is delegating	28463
to the governing board of the community school with respect to all	28464

or any specified group of employees provided the delegation is not 28465
prohibited by a collective bargaining agreement applicable to such 28466
employees; 28467

(18) Provisions establishing procedures for resolving 28468
disputes or differences of opinion between the sponsor and the 28469
governing authority of the community school; 28470

(19) A provision requiring the governing authority to adopt a 28471
policy regarding the admission of students who reside outside the 28472
district in which the school is located. That policy shall comply 28473
with the admissions procedures specified in section 3314.06 of the 28474
Revised Code and, at the sole discretion of the authority, shall 28475
do one of the following: 28476

(a) Prohibit the enrollment of students who reside outside 28477
the district in which the school is located; 28478

(b) Permit the enrollment of students who reside in districts 28479
adjacent to the district in which the school is located; 28480

(c) Permit the enrollment of students who reside in any other 28481
district in the state. 28482

(20) A provision recognizing the authority of the department 28483
of education to take over the sponsorship of the school in 28484
accordance with the provisions of division (C) of section 3314.015 28485
of the Revised Code; 28486

(21) A provision recognizing the sponsor's authority to 28487
assume the operation of a school under the conditions specified in 28488
division (B) of section 3314.073 of the Revised Code; 28489

(22) A provision recognizing both of the following: 28490

(a) The authority of public health and safety officials to 28491
inspect the facilities of the school and to order the facilities 28492
closed if those officials find that the facilities are not in 28493
compliance with health and safety laws and regulations; 28494

(b) The authority of the department of education as the community school oversight body to suspend the operation of the school under section 3314.072 of the Revised Code if the department has evidence of conditions or violations of law at the school that pose an imminent danger to the health and safety of the school's students and employees and the sponsor refuses to take such action;

(23) A description of the learning opportunities that will be offered to students including both classroom-based and non-classroom-based learning opportunities that is in compliance with criteria for student participation established by the department under division (L)(2) of section 3314.08 of the Revised Code.

(B) The community school shall also submit to the sponsor a comprehensive plan for the school. The plan shall specify the following:

(1) The process by which the governing authority of the school will be selected in the future;

(2) The management and administration of the school;

(3) If the community school is a currently existing public school, alternative arrangements for current public school students who choose not to attend the school and teachers who choose not to teach in the school after conversion;

(4) The instructional program and educational philosophy of the school;

(5) Internal financial controls.

(C) A contract entered into under section 3314.02 of the Revised Code between a sponsor and the governing authority of a community school may provide for the community school governing authority to make payments to the sponsor, which is hereby

authorized to receive such payments as set forth in the contract 28525
between the governing authority and the sponsor. The total amount 28526
of such payments for oversight and monitoring of the school shall 28527
not exceed three per cent of the total amount of payments for 28528
operating expenses that the school receives from the state. 28529

(D) The contract shall specify the duties of the sponsor 28530
which shall be in accordance with the written agreement entered 28531
into with the department of education under division (B) of 28532
section 3314.015 of the Revised Code and shall include the 28533
following: 28534

(1) Monitor the community school's compliance with all laws 28535
applicable to the school and with the terms of the contract; 28536

(2) Monitor and evaluate the academic and fiscal performance 28537
and the organization and operation of the community school on at 28538
least an annual basis; 28539

(3) Report on an annual basis the results of the evaluation 28540
conducted under division (D)(2) of this section to the department 28541
of education and to the parents of students enrolled in the 28542
community school; 28543

(4) Provide technical assistance to the community school in 28544
complying with laws applicable to the school and terms of the 28545
contract; 28546

(5) Take steps to intervene in the school's operation to 28547
correct problems in the school's overall performance, declare the 28548
school to be on probationary status pursuant to section 3314.073 28549
of the Revised Code, suspend the operation of the school pursuant 28550
to section 3314.072 of the Revised Code, or terminate the contract 28551
of the school pursuant to section 3314.07 of the Revised Code as 28552
determined necessary by the sponsor; 28553

(6) Have in place a plan of action to be undertaken in the 28554
event the community school experiences financial difficulties or 28555

closes prior to the end of a school year. 28556

(E) Upon the expiration of a contract entered into under this 28557
section, the sponsor of a community school may, with the approval 28558
of the governing authority of the school, renew that contract for 28559
a period of time determined by the sponsor, but not ending earlier 28560
than the end of any school year, if the sponsor finds that the 28561
school's compliance with applicable laws and terms of the contract 28562
and the school's progress in meeting the academic goals prescribed 28563
in the contract have been satisfactory. Any contract that is 28564
renewed under this division remains subject to the provisions of 28565
sections 3314.07, 3314.072, and 3314.073 of the Revised Code. 28566

Sec. 3314.041. The governing authority of each community 28567
school and any operator of such school shall ~~place in a~~ 28568
~~conspicuous manner in all documents that are distributed~~ 28569
distribute to parents of students of the school ~~or to the general~~ 28570
~~public upon their enrollment in the school~~ the following statement 28571
in writing: 28572

"The (here fill in name of the school) school 28573
is a community school established under Chapter 3314. of the 28574
Revised Code. The school is a public school and students enrolled 28575
in and attending the school are required to take proficiency tests 28576
and other examinations prescribed by law. In addition, there may 28577
be other requirements for students at the school that are 28578
prescribed by law. Students who have been excused from the 28579
compulsory attendance law for the purpose of home education as 28580
defined by the Administrative Code shall no longer be excused for 28581
that purpose upon their enrollment in a community school. For more 28582
information about this matter contact the school administration or 28583
the Ohio Department of Education." 28584

Sec. 3314.07. (A) The expiration of the contract for a 28585

community school between a sponsor and a school shall be the date 28586
provided in the contract. A successor contract may be entered into 28587
pursuant to division (E) of section 3314.03 of the Revised Code 28588
unless the contract is terminated or not renewed pursuant to this 28589
section. 28590

(B)(1) A sponsor may choose not to renew a contract at its 28591
expiration or may choose to terminate a contract prior to its 28592
expiration for any of the following reasons: 28593

(a) Failure to meet student performance requirements stated 28594
in the contract; 28595

(b) Failure to meet generally accepted standards of fiscal 28596
management; 28597

(c) Violation of any provision of the contract or applicable 28598
state or federal law; 28599

(d) Other good cause. 28600

(2) A sponsor may choose to terminate a contract prior to its 28601
expiration if the sponsor has suspended the operation of the 28602
contract under section 3314.072 of the Revised Code. 28603

(3) At least ninety days prior to the termination or 28604
nonrenewal of a contract, the sponsor shall notify the school of 28605
the proposed action in writing. The notice shall include the 28606
reasons for the proposed action in detail, the effective date of 28607
the termination or nonrenewal, and a statement that the school 28608
may, within fourteen days of receiving the notice, request an 28609
informal hearing before the sponsor. Such request must be in 28610
writing. The informal hearing shall be held within seventy days of 28611
the receipt of a request for the hearing. Promptly following the 28612
informal hearing, the sponsor shall issue a written decision 28613
either affirming or rescinding the decision to terminate or not 28614
renew the contract. 28615

(4) A decision by the sponsor to terminate a contract may be 28616
appealed to the state board of education. The decision by the 28617
state board pertaining to an appeal under this division is final. 28618
If the sponsor is the state board, its decision to terminate a 28619
contract under division (B)(3) of this section shall be final. 28620

(5) The termination of a contract under this section shall be 28621
effective upon the occurrence of the later of the following 28622
events: 28623

(a) Ninety days following the date the sponsor notifies the 28624
school of its decision to terminate the contract as prescribed in 28625
division (B)(3) of this section; 28626

(b) If an informal hearing is requested under division (B)(3) 28627
of this section and as a result of that hearing the sponsor 28628
affirms its decision to terminate the contract, the effective date 28629
of the termination specified in the notice issued under division 28630
(B)(3) of this section, or if that decision is appealed to the 28631
state board under division (B)(4) of this section and the state 28632
board affirms that decision, the date established in the 28633
resolution of the state board affirming the sponsor's decision. 28634

(6) Any community school whose contract is terminated under 28635
this division shall not enter into a contract with any other 28636
sponsor. 28637

(C) A child attending a community school whose contract has 28638
been terminated, nonrenewed, or suspended or that closes for any 28639
reason shall be admitted to the schools of the district in which 28640
the child is entitled to attend under section 3313.64 or 3313.65 28641
of the Revised Code. Any deadlines established for the purpose of 28642
admitting students under section 3313.97 or 3313.98 of the Revised 28643
Code shall be waived for students to whom this division pertains. 28644

(D) If a community school does not intend to renew a contract 28645
with its sponsor, the community school shall notify its sponsor in 28646

writing of that fact at least one hundred eighty days prior to the 28647
expiration of the contract. Such a community school may enter into 28648
a contract with a new sponsor in accordance with section 3314.03 28649
of the Revised Code upon the expiration of the previous contract. 28650

(E) A sponsor of a community school and the officers, 28651
directors, or employees of such a sponsor are not liable in 28652
damages in a tort or other civil action for harm allegedly arising 28653
from either of the following: 28654

(1) A failure of the community school or any of its officers, 28655
directors, or employees to perform any statutory or common law 28656
duty or responsibility or any other legal obligation; 28657

(2) An action or omission of the community school or any of 28658
its officers, directors, or employees that results in harm. 28659

~~(E)~~(F) As used in this section: 28660

(1) "Harm" means injury, death, or loss to person or 28661
property. 28662

(2) "Tort action" means a civil action for damages for 28663
injury, death, or loss to person or property other than a civil 28664
action for damages for a breach of contract or another agreement 28665
between persons. 28666

Sec. 3314.08. (A) As used in this section: 28667

(1) "Base formula amount" means the amount specified as such 28668
in a community school's financial plan for a school year pursuant 28669
to division (A)(15) of section 3314.03 of the Revised Code. 28670

(2) "Cost-of-doing-business factor" has the same meaning as 28671
in section 3317.02 of the Revised Code. 28672

(3) "IEP" means an individualized education program as 28673
defined in section 3323.01 of the Revised Code. 28674

(4) "Applicable special education weight" means the multiple 28675

specified in section 3317.013 of the Revised Code for a handicap 28676
described in that section. 28677

(5) "Applicable vocational education weight" means: 28678

(a) For a student enrolled in vocational education programs 28679
or classes described in division (A) of section 3317.014 of the 28680
Revised Code, the multiple specified in that division; 28681

(b) For a student enrolled in vocational education programs 28682
or classes described in division (B) of section 3317.014 of the 28683
Revised Code, the multiple specified in that division. 28684

(6) "Entitled to attend school" means entitled to attend 28685
school in a district under section 3313.64 or 3313.65 of the 28686
Revised Code. 28687

(7) A community school student is "included in the DPIA 28688
student count" of a school district if the student is entitled to 28689
attend school in the district and: 28690

(a) For school years prior to fiscal year 2004, the student's 28691
family receives assistance under the Ohio works first program. 28692

(b) For school years in and after fiscal year 2004, the 28693
student's family income does not exceed the federal poverty 28694
guidelines, as defined in section 5101.46 of the Revised Code, and 28695
the student's family receives family assistance, as defined in 28696
section 3317.029 of the Revised Code. 28697

(8) "DPIA reduction factor" means the percentage figure, if 28698
any, for reducing the per pupil amount of disadvantaged pupil 28699
impact aid a community school is entitled to receive pursuant to 28700
divisions (D)(5) and (6) of this section in any year, as specified 28701
in the school's financial plan for the year pursuant to division 28702
(A)(15) of section 3314.03 of the Revised Code. 28703

(9) "All-day kindergarten" has the same meaning as in section 28704
3317.029 of the Revised Code. 28705

(10) "SF-3 payment" means the sum of the payments to a school district in a fiscal year under divisions (A), (C)(1), (C)(4), (D), (E), and (F) of section 3317.022, divisions (J), (P), and (R) of section 3317.024, and sections 3317.029, 3317.0212, 3317.0213, 3317.0216, 3317.0217, 3317.04, 3317.05, 3317.052, and 3317.053 of the Revised Code after making the adjustments required by sections 3313.981 and 3313.979, divisions (B), (C), (D), (E), (K), (L), and (M) of section 3317.023, and division (C) of section 3317.20 of the Revised Code.

(B) The state board of education shall adopt rules requiring both of the following:

(1) The board of education of each city, exempted village, and local school district to annually report the number of students entitled to attend school in the district who are enrolled in grades one through twelve in a community school established under this chapter, the number of students entitled to attend school in the district who are enrolled in kindergarten in a community school, the number of those kindergartners who are enrolled in all-day kindergarten in their community school, and for each child, the community school in which the child is enrolled.

(2) The governing authority of each community school established under this chapter to annually report all of the following:

(a) The number of students enrolled in grades one through twelve and the number of students enrolled in kindergarten in the school who are not receiving special education and related services pursuant to an IEP;

(b) The number of enrolled students in grades one through twelve and the number of enrolled students in kindergarten, who are receiving special education and related services pursuant to

an IEP;	28737
(c) The number of students reported under division (B)(2)(b)	28738
of this section receiving special education and related services	28739
pursuant to an IEP for a handicap described in each of divisions	28740
(A) to (F) of section 3317.013 of the Revised Code;	28741
(d) The full-time equivalent number of students reported	28742
under divisions (B)(2)(a) and (b) of this section who are enrolled	28743
in vocational education programs or classes described in each of	28744
divisions (A) and (B) of section 3317.014 of the Revised Code that	28745
are provided by the community school;	28746
(e) One-fourth <u>Twenty per cent</u> of the number of students	28747
reported under divisions (B)(2)(a) and (b) of this section who are	28748
not reported under division (B)(2)(d) of this section but who are	28749
enrolled in vocational education programs or classes described in	28750
each of divisions (A) and (B) of section 3317.014 of the Revised	28751
Code at a joint vocational school district under a contract	28752
between the community school and the joint vocational school	28753
district and are entitled to attend school in a city, local, or	28754
exempted village school district whose territory is part of the	28755
territory of the joint vocational district;	28756
(f) The number of enrolled preschool handicapped students	28757
receiving special education services in a state-funded unit;	28758
(g) The community school's base formula amount;	28759
(h) For each student, the city, exempted village, or local	28760
school district in which the student is entitled to attend school;	28761
(i) Any DPIA reduction factor that applies to a school year.	28762
(C) From the payments <u>SF-3 payment</u> made to a city, exempted	28763
village, or local school district under Chapter 3317. of the	28764
Revised Code and, if necessary, <u>from the payment made to the</u>	28765
<u>district under</u> sections 321.14 <u>321.24</u> and 323.156 of the Revised	28766

Code, the department of education shall annually subtract all the 28767
sum of the following* amounts described in divisions (C)(1) to (6) 28768
of this section. However, the aggregate amount deducted under this 28769
division shall not exceed the sum of the district's SF-3 payment 28770
and its payment under sections 321.24 and 323.156 of the Revised 28771
Code. 28772

(1) An amount equal to the sum of the amounts obtained when, 28773
for each community school where the district's students are 28774
enrolled, the number of the district's students reported under 28775
divisions (B)(2)(a), (b), and (e) of this section who are enrolled 28776
in grades one through twelve, and one-half the number of students 28777
reported under those divisions who are enrolled in kindergarten, 28778
in that community school is multiplied by the base formula amount 28779
of that community school as adjusted by the school district's 28780
cost-of-doing-business factor. 28781

(2) The sum of the amounts calculated under divisions 28782
(C)(2)(a) and (b) of this section: 28783

(a) For each of the district's students reported under 28784
division (B)(2)(c) of this section as enrolled in a community 28785
school in grades one through twelve and receiving special 28786
education and related services pursuant to an IEP for a handicap 28787
described in section 3317.013 of the Revised Code, the product of 28788
the applicable special education weight times the community 28789
school's base formula amount; 28790

(b) For each of the district's students reported under 28791
division (B)(2)(c) of this section as enrolled in kindergarten in 28792
a community school and receiving special education and related 28793
services pursuant to an IEP for a handicap described in section 28794
3317.013 of the Revised Code, one-half of the amount calculated as 28795
prescribed in division (C)(2)(a) of this section. 28796

(3) For each of the district's students reported under 28797

division (B)(2)(d) of this section for whom payment is made under 28798
division (D)(4) of this section, the amount of that payment; 28799

(4) An amount equal to the sum of the amounts obtained when, 28800
for each community school where the district's students are 28801
enrolled, the number of the district's students enrolled in that 28802
community school who are included in the district's DPIA student 28803
count is multiplied by the per pupil amount of disadvantaged pupil 28804
impact aid the school district receives that year pursuant to 28805
division (B) or (C) of section 3317.029 of the Revised Code, as 28806
adjusted by any DPIA reduction factor of that community school. If 28807
the district receives disadvantaged pupil impact aid under 28808
division (B) of that section, the per pupil amount of that aid is 28809
the quotient of the amount the district received under that 28810
division divided by the district's DPIA student count, as defined 28811
in that section. If the district receives disadvantaged pupil 28812
impact aid under division (C) of section 3317.029 of the Revised 28813
Code, the per pupil amount of that aid is the per pupil dollar 28814
amount prescribed for the district in division (C)(1) or (2) of 28815
that section. 28816

(5) An amount equal to the sum of the amounts obtained when, 28817
for each community school where the district's students are 28818
enrolled, the district's per pupil amount of aid received under 28819
division (E) of section 3317.029 of the Revised Code, as adjusted 28820
by any DPIA reduction factor of the community school, is 28821
multiplied by the sum of the following: 28822

(a) The number of the district's students reported under 28823
division (B)(2)(a) of this section who are enrolled in grades one 28824
to three in that community school and who are not receiving 28825
special education and related services pursuant to an IEP; 28826

(b) One-half of the district's students who are enrolled in 28827
all-day or any other kindergarten class in that community school 28828
and who are not receiving special education and related services 28829

pursuant to an IEP; 28830

(c) One-half of the district's students who are enrolled in 28831
all-day kindergarten in that community school and who are not 28832
receiving special education and related services pursuant to an 28833
IEP. 28834

The district's per pupil amount of aid under division (E) of 28835
section 3317.029 of the Revised Code is the quotient of the amount 28836
the district received under that division divided by the 28837
district's kindergarten through third grade ADM, as defined in 28838
that section. 28839

(6) An amount equal to the per pupil state parity aid funding 28840
calculated for the school district under either division (C) or 28841
(D) of section 3317.0217 of the Revised Code multiplied by the sum 28842
of the number of students in grades one through twelve, and 28843
one-half of the number of students in kindergarten, who are 28844
entitled to attend school in the district and are enrolled in a 28845
community school as reported under division (B)(1) of this 28846
section. 28847

(D) The department shall annually pay to a community school 28848
established under this chapter ~~all the sum of the following:~~ 28849
amounts described in divisions (D)(1) to (7) of this section. 28850
However, the sum of the payments to all community schools under 28851
divisions (D)(1), (2), (4), (5), (6), and (7) of this section for 28852
the students entitled to attend school in any particular school 28853
district shall not exceed the sum of that district's SF-3 payment 28854
and its payment under sections 321.24 and 323.156 of the Revised 28855
Code. If the sum of the payments calculated under those divisions 28856
for the students entitled to attend school in a particular school 28857
district exceeds the sum of that district's SF-3 payment and its 28858
payment under sections 321.24 and 323.156 of the Revised Code, the 28859
department shall calculate and apply a proration factor to the 28860
payments to all community schools under those divisions for the 28861

students entitled to attend school in that district. 28862

(1) An amount equal to the sum of the amounts obtained when 28863
the number of students enrolled in grades one through twelve, plus 28864
one-half of the kindergarten students in the school, reported 28865
under divisions (B)(2)(a), (b), and (e) of this section who are 28866
not receiving special education and related services pursuant to 28867
an IEP for a handicap described in section 3317.013 of the Revised 28868
Code is multiplied by the community school's base formula amount, 28869
as adjusted by the cost-of-doing-business factor of the school 28870
district in which the student is entitled to attend school; 28871

(2) The greater of the following: 28872

(a) The aggregate amount that the department paid to the 28873
community school in fiscal year 1999 for students receiving 28874
special education and related services pursuant to IEPs, excluding 28875
federal funds and state disadvantaged pupil impact aid funds; 28876

(b) The sum of the amounts calculated under divisions 28877
(D)(2)(b)(i) and (ii) of this section: 28878

(i) For each student reported under division (B)(2)(c) of 28879
this section as enrolled in the school in grades one through 28880
twelve and receiving special education and related services 28881
pursuant to an IEP for a handicap described in section 3317.013 of 28882
the Revised Code, the following amount: 28883

(the community school's base formula amount 28884
X the cost-of-doing-business factor 28885
of the district where the student 28886
is entitled to attend school) + 28887
(the applicable special education weight X 28888
the community school's base formula amount); 28889

(ii) For each student reported under division (B)(2)(c) of 28890
this section as enrolled in kindergarten and receiving special 28891
education and related services pursuant to an IEP for a handicap 28892

described in section 3317.013 of the Revised Code, one-half of the 28893
amount calculated under the formula prescribed in division 28894
(D)(2)(b)(i) of this section. 28895

(3) An amount received from federal funds to provide special 28896
education and related services to students in the community 28897
school, as determined by the superintendent of public instruction. 28898

(4) For each student reported under division (B)(2)(d) of 28899
this section as enrolled in vocational education programs or 28900
classes that are described in section 3317.014 of the Revised 28901
Code, are provided by the community school, and are comparable as 28902
determined by the superintendent of public instruction to school 28903
district vocational education programs and classes eligible for 28904
state weighted funding under section 3317.014 of the Revised Code, 28905
an amount equal to the applicable vocational education weight 28906
times the community school's base formula amount times the 28907
percentage of time the student spends in the vocational education 28908
programs or classes. 28909

(5) An amount equal to the sum of the amounts obtained when, 28910
for each school district where the community school's students are 28911
entitled to attend school, the number of that district's students 28912
enrolled in the community school who are included in the 28913
district's DPIA student count is multiplied by the per pupil 28914
amount of disadvantaged pupil impact aid that school district 28915
receives that year pursuant to division (B) or (C) of section 28916
3317.029 of the Revised Code, as adjusted by any DPIA reduction 28917
factor of the community school. The per pupil amount of aid shall 28918
be determined as described in division (C)(4) of this section. 28919

(6) An amount equal to the sum of the amounts obtained when, 28920
for each school district where the community school's students are 28921
entitled to attend school, the district's per pupil amount of aid 28922
received under division (E) of section 3317.029 of the Revised 28923
Code, as adjusted by any DPIA reduction factor of the community 28924

school, is multiplied by the sum of the following: 28925

(a) The number of the district's students reported under 28926
division (B)(2)(a) of this section who are enrolled in grades one 28927
to three in that community school and who are not receiving 28928
special education and related services pursuant to an IEP; 28929

(b) One-half of the district's students who are enrolled in 28930
all-day or any other kindergarten class in that community school 28931
and who are not receiving special education and related services 28932
pursuant to an IEP; 28933

(c) One-half of the district's students who are enrolled in 28934
all-day kindergarten in that community school and who are not 28935
receiving special education and related services pursuant to an 28936
IEP. 28937

The district's per pupil amount of aid under division (E) of 28938
section 3317.029 of the Revised Code shall be determined as 28939
described in division (C)(5) of this section. 28940

(7) An amount equal to the sum of the amounts obtained when, 28941
for each school district where the community school's students are 28942
entitled to attend school, the district's per pupil amount of 28943
state parity aid funding calculated under either division (C) or 28944
(D) of section 3317.0217 of the Revised Code is multiplied by the 28945
sum of the number of that district's students enrolled in grades 28946
one through twelve, and one-half of the number of that district's 28947
students enrolled in kindergarten, in the community school as 28948
reported under division (B)(2)(a) and (b) of this section. 28949

(E)(1) If a community school's costs for a fiscal year for a 28950
student receiving special education and related services pursuant 28951
to an IEP for a handicap described in divisions (B) to (F) of 28952
section 3317.013 of the Revised Code exceed the threshold 28953
catastrophic cost for serving the student as specified in division 28954
(C)(3)(b) of section 3317.022 of the Revised Code, the school may 28955

submit to the superintendent of public instruction documentation, 28956
as prescribed by the superintendent, of all its costs for that 28957
student. Upon submission of documentation for a student of the 28958
type and in the manner prescribed, the department shall pay to the 28959
community school an amount equal to the school's costs for the 28960
student in excess of the threshold catastrophic costs. 28961

(2) The community school shall only report under division 28962
(E)(1) of this section, and the department shall only pay for, the 28963
costs of educational expenses and the related services provided to 28964
the student in accordance with the student's individualized 28965
education program. Any legal fees, court costs, or other costs 28966
associated with any cause of action relating to the student may 28967
not be included in the amount. 28968

(F) A community school may apply to the department of 28969
education for preschool handicapped or gifted unit funding the 28970
school would receive if it were a school district. Upon request of 28971
its governing authority, a community school that received unit 28972
funding as a school district-operated school before it became a 28973
community school shall retain any units awarded to it as a school 28974
district-operated school provided the school continues to meet 28975
eligibility standards for the unit. 28976

A community school shall be considered a school district and 28977
its governing authority shall be considered a board of education 28978
for the purpose of applying to any state or federal agency for 28979
grants that a school district may receive under federal or state 28980
law or any appropriations act of the general assembly. The 28981
governing authority of a community school may apply to any private 28982
entity for additional funds. 28983

(G) A board of education sponsoring a community school may 28984
utilize local funds to make enhancement grants to the school or 28985
may agree, either as part of the contract or separately, to 28986
provide any specific services to the community school at no cost 28987

to the school.	28988
(H) A community school may not levy taxes or issue bonds secured by tax revenues.	28989 28990
(I) No community school shall charge tuition for the enrollment of any student.	28991 28992
(J)(1)(a) A community school may borrow money to pay any necessary and actual expenses of the school in anticipation of the receipt of any portion of the payments to be received by the school pursuant to division (D) of this section. The school may issue notes to evidence such borrowing . The proceeds of the notes shall be used only for the purposes for which the anticipated receipts may be lawfully expended by the school.	28993 28994 28995 28996 28997 28998 28999
(b) A school may also borrow money for a term not to exceed fifteen years for the purpose of acquiring facilities.	29000 29001
(2) Except for any amount guaranteed under section 3318.50 of the Revised Code, the state is not liable for debt incurred by the governing authority of a community school.	29002 29003 29004
(K) For purposes of determining the number of students for which divisions (D)(5) and (6) of this section applies in any school year, a community school may submit to the department of job and family services, no later than the first day of March, a list of the students enrolled in the school. For each student on the list, the community school shall indicate the student's name, address, and date of birth and the school district where the student is entitled to attend school. Upon receipt of a list under this division, the department of job and family services shall determine, for each school district where one or more students on the list is entitled to attend school, the number of students residing in that school district who were included in the department's report under section 3317.10 of the Revised Code. The department shall make this determination on the basis of	29005 29006 29007 29008 29009 29010 29011 29012 29013 29014 29015 29016 29017 29018

information readily available to it. Upon making this 29019
determination and no later than ninety days after submission of 29020
the list by the community school, the department shall report to 29021
the state department of education the number of students on the 29022
list who reside in each school district who were included in the 29023
department's report under section 3317.10 of the Revised Code. In 29024
complying with this division, the department of job and family 29025
services shall not report to the state department of education any 29026
personally identifiable information on any student. 29027

(L) The department of education shall adjust the amounts 29028
subtracted and paid under divisions (C) and (D) of this section to 29029
reflect any enrollment of students in community schools for less 29030
than the equivalent of a full school year. The state board of 29031
education within ninety days after ~~the effective date of this~~ 29032
~~amendment~~ April 8, 2003, shall adopt in accordance with Chapter 29033
119. of the Revised Code rules governing the payments to community 29034
schools under this section including initial payments in a school 29035
year and adjustments and reductions made in subsequent periodic 29036
payments to community schools and corresponding deductions from 29037
school district accounts as provided under divisions (C) and (D) 29038
of this section. For purposes of this section: 29039

(1) A student shall be considered enrolled in the community 29040
school for any portion of the school year the student is 29041
participating at a college under Chapter 3365. of the Revised 29042
Code. 29043

(2) A student shall be considered to be enrolled in a 29044
community school during a school year for the period of time 29045
between the date on which the school both has received 29046
documentation of the student's enrollment from a parent and has 29047
commenced participation in learning opportunities as defined in 29048
the contract with the sponsor. For purposes of applying this 29049
division to a community school student, "learning opportunities" 29050

shall be defined in the contract, which shall describe both 29051
classroom-based and non-classroom-based learning opportunities and 29052
shall be in compliance with criteria and documentation 29053
requirements for student participation which shall be established 29054
by the department. Any student's instruction time in 29055
non-classroom-based learning opportunities shall be certified by 29056
an employee of the community school. A student's enrollment shall 29057
be considered to cease on the date on which any of the following 29058
occur: 29059

(a) The community school receives documentation from a parent 29060
terminating enrollment of the student. 29061

(b) The community school is provided documentation of a 29062
student's enrollment in another public or private school. 29063

(c) The community school ceases to offer learning 29064
opportunities to the student pursuant to the terms of the contract 29065
with the sponsor or the operation of any provision of this 29066
chapter. 29067

(3) A student's percentage of full-time equivalency shall be 29068
considered to be the percentage the hours of learning opportunity 29069
offered to that student is of nine hundred and twenty hours. 29070

(M) The department of education shall reduce the amounts paid 29071
under division (D) of this section to reflect payments made to 29072
colleges under division (B) of section 3365.07 of the Revised 29073
Code. 29074

(N)(1) No student shall be considered enrolled in any 29075
internet- or computer-based community school unless the both of 29076
the following conditions are satisfied: 29077

(a) The student possesses or has been provided with all 29078
required hardware and software materials and all such materials 29079
are fully operational and the so that the student is capable of 29080
fully participating in the learning opportunities specified in the 29081

contract between the school and the school's sponsor as required 29082
by division (A)(23) of section 3314.03 of the Revised Code; 29083

(b) The school is in compliance with division (A)(1) or (2) 29084
of section 3314.032 of the Revised Code, relative to such student. 29085
~~In~~ 29086

(2) In accordance with policies adopted jointly by the 29087
superintendent of public instruction and the auditor of state, the 29088
department shall reduce the amounts otherwise payable under 29089
division (D) of this section to any internet- or computer-based 29090
community school that includes in its program the provision of 29091
computer hardware and software materials to each student, if such 29092
hardware and software materials have not been delivered, 29093
installed, and activated for all students in a timely manner or 29094
other educational materials or services have not been provided 29095
according to the contract between the individual community school 29096
and its sponsor. 29097

The superintendent of public instruction and the auditor of 29098
state shall jointly establish a method for auditing any community 29099
school to which this division pertains to ensure compliance with 29100
this section. 29101

The superintendent, auditor of state, and the governor shall 29102
jointly make recommendations to the general assembly for 29103
legislative changes that may be required to assure fiscal and 29104
academic accountability for such internet- or computer-based 29105
schools. 29106

(O)(1) If the department determines that a review of a 29107
community school's enrollment is necessary, such review shall be 29108
completed and written notice of the findings shall be provided to 29109
the governing authority of the community school and its sponsor 29110
within ninety days of the end of the community school's fiscal 29111
year, unless extended for a period not to exceed thirty additional 29112

days for one of the following reasons:	29113
(a) The department and the community school mutually agree to the extension.	29114 29115
(b) Delays in data submission caused by either a community school or its sponsor.	29116 29117
(2) If the review results in a finding that additional funding is owed to the school, such payment shall be made within thirty days of the written notice. If the review results in a finding that the community school owes moneys to the state, the following procedure shall apply:	29118 29119 29120 29121 29122
(a) Within ten business days of the receipt of the notice of findings, the community school may appeal the department's determination to the state board of education or its designee.	29123 29124 29125
(b) The board or its designee shall conduct an informal hearing on the matter within thirty days of receipt of such an appeal and shall issue a decision within fifteen days of the conclusion of the hearing.	29126 29127 29128 29129
(c) If the board has enlisted a designee to conduct the hearing, the designee shall certify its decision to the board. The board may accept the decision of the designee or may reject the decision of the designee and issue its own decision on the matter.	29130 29131 29132 29133
(d) Any decision made by the board under this division is final.	29134 29135
(3) If it is decided that the community school owes moneys to the state, the department shall deduct such amount from the school's future payments in accordance with guidelines issued by the superintendent of public instruction.	29136 29137 29138 29139
<u>Sec. 3314.083. If the department of education pays a joint vocational school district under division (G)(4) of section 3317.16 of the Revised Code for excess costs of providing special</u>	29140 29141 29142

education and related services to a handicapped student who is 29143
enrolled in a community school, as calculated under division 29144
(G)(2) of that section, the department shall deduct the amount of 29145
that payment from the amount calculated for payment to the 29146
community school under section 3314.08 of the Revised Code. 29147

Sec. 3314.17. (A) Each community school established under 29148
this chapter shall participate in the statewide education 29149
management information system established under section 3301.0714 29150
of the Revised Code. All provisions of that section and the rules 29151
adopted under that section apply to each community school as if it 29152
were a school district, except as modified for community schools 29153
under division (B) of this section. 29154

(B) The rules adopted by the state board of education under 29155
section 3301.0714 of the Revised Code may distinguish methods and 29156
timelines for community schools to annually report data, which 29157
methods and timelines differ from those prescribed for school 29158
districts. Any methods and timelines prescribed for community 29159
schools shall be appropriate to the academic schedule and 29160
financing of community schools. The guidelines, however, shall not 29161
modify the actual data required to be reported under that section. 29162

(C) Each fiscal officer appointed under section 3314.011 of 29163
the Revised Code is responsible for annually reporting the 29164
community school's data under section 3301.0714 of the Revised 29165
Code. If the superintendent of public instruction determines that 29166
a community school fiscal officer has willfully failed to report 29167
data or has willfully reported erroneous, inaccurate, or 29168
incomplete data in any year, or has negligently reported 29169
erroneous, inaccurate, or incomplete data in the current and any 29170
previous year, the superintendent may impose a civil penalty of 29171
one hundred dollars on the fiscal officer after providing the 29172
officer with notice and an opportunity for a hearing in accordance 29173

with Chapter 119. of the Revised Code. The superintendent's 29174
authority to impose civil penalties under this division does not 29175
preclude the state board of education from suspending or revoking 29176
the license of a community school employee under division (N) of 29177
section 3301.0714 of the Revised Code. 29178

(D) No community school shall acquire, change, or update its 29179
student administration software package to manage and report data 29180
required to be reported to the department unless it converts to a 29181
student software package that is certified by the department. 29182

Sec. 3316.031. (A) The state superintendent of public 29183
instruction, in consultation with the auditor of state, shall 29184
develop guidelines for identifying fiscal practices and budgetary 29185
conditions that, if uncorrected, could result in a future 29186
declaration of a fiscal watch or fiscal emergency within a school 29187
district. 29188

The guidelines shall not include a requirement that a school 29189
district submit financial statements according to generally 29190
accepted accounting principles. 29191

(B)(1) If the state superintendent determines from a school 29192
district's five-year forecast submitted under section 5705.391 of 29193
the Revised Code that a district is engaging in any of those 29194
practices or that any of those conditions exist within the 29195
district, after consulting with the district board of education 29196
concerning the practices or conditions, the state superintendent 29197
may declare the district to be under a fiscal caution. 29198

(2) If the auditor of state finds that a district is engaging 29199
in any of those practices or that any of those conditions exist 29200
within the district, the auditor of state shall report that 29201
finding to the state superintendent and, after consulting with the 29202
district board of education concerning the practices or 29203
conditions, the state superintendent may declare the district to 29204

be under a fiscal caution. 29205

(3) Unless the auditor of state has elected to declare a 29206
state of fiscal watch under division (A)(4) of section 3316.03 of 29207
the Revised Code, the state superintendent shall declare a school 29208
district to be under a fiscal caution if the conditions described 29209
in divisions (A)(4)(a) and (b) of that section are both satisfied 29210
with respect to the school district. 29211

(C) When the state superintendent declares a district to be 29212
under fiscal caution, the state superintendent shall promptly 29213
notify the district board of education of that declaration and 29214
shall request the board to provide written proposals for 29215
discontinuing or correcting the fiscal practices or budgetary 29216
conditions that prompted the declaration and for preventing the 29217
district from experiencing further fiscal difficulties that could 29218
result in the district being declared to be in a state of fiscal 29219
watch or fiscal emergency. 29220

(D) The state superintendent, or a designee, may visit and 29221
inspect any district that is declared to be under a fiscal 29222
caution. The department of education shall provide technical 29223
assistance to the district board in implementing proposals to 29224
eliminate the practices or budgetary conditions that prompted the 29225
declaration of fiscal caution and may make recommendations 29226
concerning the board's proposals. 29227

(E) If the state superintendent finds that a school district 29228
declared to be under a fiscal caution has not made reasonable 29229
proposals or otherwise taken action to discontinue or correct the 29230
fiscal practices or budgetary conditions that prompted the 29231
declaration of fiscal caution, and if the state superintendent 29232
considers it necessary to prevent further fiscal decline, the 29233
state superintendent may determine that the district should be in 29234
a state of fiscal watch. As provided in division (A)(3) of section 29235
3316.03 of the Revised Code, the auditor of state shall declare 29236

the district to be in a state of fiscal watch if the auditor of state finds the superintendent's determination to be reasonable.

Sec. 3316.08. During a school district's fiscal emergency period, the auditor of state shall determine annually, or at any other time upon request of the financial planning and supervision commission, whether the school district will incur an operating deficit. If the auditor of state determines that a school district will incur an operating deficit, the auditor of state shall certify that determination to the superintendent of public instruction, the financial planning and supervision commission, and the board of education of the school district. Upon receiving the auditor of state's certification, the ~~board of education or~~ commission shall adopt a resolution ~~to submit a ballot question proposing the levy of a tax~~ requesting that the board of education work with the county auditor or tax commissioner to estimate the amount and rate of a tax levy that is needed under section 5705.194 or 5705.21 or Chapter 5748. of the Revised Code to produce a positive fund balance not later than the fifth year of the five-year forecast submitted under section 5705.391 of the Revised Code. ~~Except~~

The board of education shall recommend to the commission whether the board supports or opposes a tax levy under section 5705.194 or 5705.21 or Chapter 5748. of the Revised Code and shall provide supporting documentation to the commission of its recommendation.

After considering the board of education's recommendation and supporting documentation, the commission shall adopt a resolution to either submit a ballot question proposing a tax levy or not to submit such a question.

Except as otherwise provided in this division, the tax shall be levied in the manner prescribed for a tax levied under section

5705.194 or 5705.21 or under Chapter 5748. of the Revised Code. 29268
~~The~~ If the commission decides that a tax shall should be levied, 29269
the tax shall be levied for the purpose of paying current 29270
operating expenses of the school district. ~~The question shall~~ 29271
~~propose that the tax be levied at the rate required to produce~~ 29272
~~annual revenue sufficient to eliminate the operating deficit as~~ 29273
~~certified by the auditor of state and to repay outstanding loans~~ 29274
~~or other obligations incurred by the board of education for the~~ 29275
~~purpose of reducing or eliminating operating deficits, as~~ 29276
~~determined by the financial planning and supervision commission.~~ 29277
The rate of a tax levied under section 5705.194 or 5705.21 of the 29278
Revised Code shall be determined by the county auditor, and the 29279
rate of a tax levied under section 5748.02 or 5748.08 of the 29280
Revised Code shall be determined by the tax commissioner, upon the 29281
request of the commission. The commission, in consultation with 29282
the board of education, shall determine the election at which the 29283
question of the tax shall appear on the ballot, and the ~~board of~~ 29284
~~education or~~ commission shall submit a copy of its resolution to 29285
the board of elections not later than seventy-five days prior to 29286
the day of that election. The board of elections conducting the 29287
election shall certify the results of the election to the board of 29288
education and to the financial planning and supervision 29289
commission. 29290

Sec. 3317.012. (A)(1) The general assembly, having analyzed 29291
school district expenditure and cost data for fiscal year 1999, 29292
performed the calculation described in division (B) of this 29293
section, adjusted the results for inflation, and added the amounts 29294
described in division (A)(2) of this section, hereby determines 29295
that the base cost of an adequate education per pupil for the 29296
fiscal year beginning July 1, 2001, is \$4,814. ~~For the five~~ 29297
~~following fiscal years, the~~ The base cost per pupil ~~for each of~~ 29298
~~those years,~~ reflecting an annual rate of inflation of two and 29299

eight-tenths per cent, is \$4,949 for fiscal year 2003, ~~\$5,088~~. The 29300
base cost per pupil, reflecting an annual rate of inflation of two 29301
and two-tenths per cent, is \$5,058 for fiscal year 2004, ~~\$5,230~~ 29302
and \$5,169 for fiscal year 2005, ~~\$5,376 for fiscal year 2006, and~~ 29303
~~\$5,527 for fiscal year 2007.~~ 29304

(2) The base cost per pupil amounts specified in division 29305
(A)(1) of this section include amounts to reflect the cost to 29306
school districts of increasing the minimum number of high school 29307
academic units required for graduation beginning September 15, 29308
2001, under section 3313.603 of the Revised Code. Analysis of 29309
fiscal year 1999 data revealed that the school districts meeting 29310
the requirements of division (B) of this section on average 29311
required high school students to complete a minimum of nineteen 29312
and eight-tenths units to graduate. The general assembly 29313
determines that the cost of funding the additional two-tenths unit 29314
required by section 3313.603 of the Revised Code is \$12 per pupil 29315
in fiscal year 2002. This amount was added after the calculation 29316
described in division (B) of this section and the adjustment for 29317
inflation from fiscal year 1999 to fiscal year 2002. It is this 29318
total amount, the calculated base cost plus the supplement to pay 29319
for the additional partial unit, that constitutes the base cost 29320
amount specified in division (A)(1) of this section for fiscal 29321
year 2002 and that is inflated to produce the base cost amounts 29322
for fiscal years 2003 through ~~2007~~ 2005. 29323

(B) In determining the base cost stated in division (A) of 29324
this section, capital and debt costs, costs paid for by federal 29325
funds, and costs covered by funds provided for disadvantaged pupil 29326
impact aid and transportation were excluded, as were the effects 29327
on the districts' state funds of the application of the 29328
cost-of-doing-business factors, assuming a seven and one-half per 29329
cent variance. 29330

The base cost for fiscal year 1999 was calculated as the 29331

unweighted average cost per student, on a school district basis, 29332
of educating students who were not receiving vocational education 29333
or services pursuant to Chapter 3323. of the Revised Code and who 29334
were enrolled in a city, exempted village, or local school 29335
district that in fiscal year 1999 met all of the following 29336
criteria: 29337

(1) The district met at least twenty of the following 29338
twenty-seven performance indicators: 29339

(a) A ninety per cent or higher graduation rate; 29340

(b) At least seventy-five per cent of fourth graders 29341
proficient on the mathematics test prescribed under former 29342
division (A)(1) of section 3301.0710 of the Revised Code; 29343

(c) At least seventy-five per cent of fourth graders 29344
proficient on the reading test prescribed under former division 29345
(A)(1) of section 3301.0710 of the Revised Code; 29346

(d) At least seventy-five per cent of fourth graders 29347
proficient on the writing test prescribed under former division 29348
(A)(1) of section 3301.0710 of the Revised Code; 29349

(e) At least seventy-five per cent of fourth graders 29350
proficient on the citizenship test prescribed under former 29351
division (A)(1) of section 3301.0710 of the Revised Code; 29352

(f) At least seventy-five per cent of fourth graders 29353
proficient on the science test prescribed under former division 29354
(A)(1) of section 3301.0710 of the Revised Code; 29355

(g) At least seventy-five per cent of sixth graders 29356
proficient on the mathematics test prescribed under former 29357
division (A)(2) of section 3301.0710 of the Revised Code; 29358

(h) At least seventy-five per cent of sixth graders 29359
proficient on the reading test prescribed under former division 29360
(A)(2) of section 3301.0710 of the Revised Code; 29361

(i) At least seventy-five per cent of sixth graders	29362
proficient on the writing test prescribed under <u>former</u> division	29363
(A)(2) of section 3301.0710 of the Revised Code;	29364
(j) At least seventy-five per cent of sixth graders	29365
proficient on the citizenship test prescribed under <u>former</u>	29366
division (A)(2) of section 3301.0710 of the Revised Code;	29367
(k) At least seventy-five per cent of sixth graders	29368
proficient on the science test prescribed under <u>former</u> division	29369
(A)(2) of section 3301.0710 of the Revised Code;	29370
(l) At least seventy-five per cent of ninth graders	29371
proficient on the mathematics test prescribed under Section 4 of	29372
Am. Sub. S.B. 55 of the 122nd general assembly;	29373
(m) At least seventy-five per cent of ninth graders	29374
proficient on the reading test prescribed under Section 4 of Am.	29375
Sub. S.B. 55 of the 122nd general assembly;	29376
(n) At least seventy-five per cent of ninth graders	29377
proficient on the writing test prescribed under Section 4 of Am.	29378
Sub. S.B. 55 of the 122nd general assembly;	29379
(o) At least seventy-five per cent of ninth graders	29380
proficient on the citizenship test prescribed under Section 4 of	29381
Am. Sub. S.B. 55 of the 122nd general assembly;	29382
(p) At least seventy-five per cent of ninth graders	29383
proficient on the science test prescribed under Section 4 of Am.	29384
Sub. S.B. 55 of the 122nd general assembly;	29385
(q) At least eighty-five per cent of tenth graders proficient	29386
on the mathematics test prescribed under Section 4 of Am. Sub.	29387
S.B. 55 of the 122nd general assembly;	29388
(r) At least eighty-five per cent of tenth graders proficient	29389
on the reading test prescribed under Section 4 of Am. Sub. S.B. 55	29390
of the 122nd general assembly;	29391

(s) At least eighty-five per cent of tenth graders proficient on the writing test prescribed under Section 4 of Am. Sub. S.B. 55 of the 122nd general assembly;	29392 29393 29394
(t) At least eighty-five per cent of tenth graders proficient on the citizenship test prescribed under Section 4 of Am. Sub. S.B. 55 of the 122nd general assembly;	29395 29396 29397
(u) At least eighty-five per cent of tenth graders proficient on the science test prescribed under Section 4 of Am. Sub. S.B. 55 of the 122nd general assembly;	29398 29399 29400
(v) At least sixty per cent of twelfth graders proficient on the mathematics test prescribed under former division (A)(3) of section 3301.0710 of the Revised Code;	29401 29402 29403
(w) At least sixty per cent of twelfth graders proficient on the reading test prescribed under former division (A)(3) of section 3301.0710 of the Revised Code;	29404 29405 29406
(x) At least sixty per cent of twelfth graders proficient on the writing test prescribed under former division (A)(3) of section 3301.0710 of the Revised Code;	29407 29408 29409
(y) At least sixty per cent of twelfth graders proficient on the citizenship test prescribed under former division (A)(3) of section 3301.0710 of the Revised Code;	29410 29411 29412
(z) At least sixty per cent of twelfth graders proficient on the science test prescribed under <u>former</u> division (A)(3) of section 3301.0710 of the Revised Code;	29413 29414 29415
(aa) An attendance rate for the year of at least ninety-three per cent as defined in section 3302.01 of the Revised Code.	29416 29417
In determining whether a school district met any of the performance standards specified in divisions (B)(1)(a) to (aa) of this section, the general assembly used a rounding procedure previously recommended by the department of education. It is the	29418 29419 29420 29421

same rounding procedure the general assembly used in 1998 to 29422
determine whether a district had met the standards of former 29423
divisions (B)(1)(a) to (r) of this section for purposes of 29424
constructing the previous model based on fiscal year 1996 data. 29425

(2) The district was not among the five per cent of all 29426
districts with the highest income, nor among the five per cent of 29427
all districts with the lowest income. 29428

(3) The district was not among the five per cent of all 29429
districts with the highest valuation per pupil, nor among the five 29430
per cent of all districts with the lowest valuation per pupil. 29431

This model for calculating the base cost of an adequate 29432
education is expenditure-based. The general assembly recognizes 29433
that increases in state funding to school districts since fiscal 29434
year 1996, the fiscal year upon which the general assembly based 29435
its model for calculating state funding to school districts for 29436
fiscal years 1999 through 2001, has increased school district base 29437
cost expenditures for fiscal year 1999, the fiscal year upon which 29438
the general assembly based its model for calculating state funding 29439
for fiscal years 2002 through ~~2007~~ 2005. In the case of school 29440
districts included in the fiscal year 1999 model that also had met 29441
the fiscal year 1996 performance criteria of former division 29442
(B)(1) of this section, the increased state funding may have 29443
driven the districts' expenditures beyond the expenditures that 29444
were actually needed to maintain their educational programs at the 29445
level necessary to maintain their ability to meet the fiscal year 29446
1999 performance criteria of current division (B)(1) of this 29447
section. The general assembly has determined to control for this 29448
effect by stipulating in the later model that the fiscal year 1999 29449
base cost expenditures of the districts that also met the 29450
performance criteria of former division (B)(1) of this section 29451
equals their base cost expenditures per pupil for fiscal year 29452
1996, inflated to fiscal year 1999 using an annual rate of 29453

inflation of two and eight-tenths per cent. However, if this 29454
inflated amount exceeded the district's actual fiscal year 1999 29455
base cost expenditures per pupil, the district's actual fiscal 29456
year 1999 base cost expenditures per pupil were used in the 29457
calculation. For districts in the 1999 model that did not also 29458
meet the performance criteria of former division (B)(1) of this 29459
section, the actual 1999 base cost per pupil expenditures were 29460
used in the calculation of the average district per pupil costs of 29461
the model districts. 29462

~~(C) In July of 2005, and in July of every six years 29463
thereafter, the speaker of the house of representatives and the 29464
president of the senate shall each appoint three members to a 29465
committee to reexamine the cost of an adequate education. No more 29466
than two members from any political party shall represent each 29467
house. The director of budget and management and the 29468
superintendent of public instruction shall serve as nonvoting ex 29469
officio members of the committee. 29470~~

~~The committee shall select a rational methodology for 29471
calculating the costs of an adequate education system for the 29472
ensuing six year period, and shall report the methodology and the 29473
resulting costs to the general assembly. In performing its 29474
function, the committee is not bound by any method used by 29475
previous general assemblies to examine and calculate costs and 29476
instead may utilize any rational method it deems suitable and 29477
reasonable given the educational needs and requirements of the 29478
state at that time. 29479~~

~~The methodology for determining the cost of an adequate 29480
education system shall take into account the basic educational 29481
costs that all districts incur in educating regular students, the 29482
unique needs of special categories of students, and significant 29483
special conditions encountered by certain classifications of 29484
school districts. 29485~~

~~The committee also shall redetermine, for purposes of updating the parity aid calculation under section 3317.0217 of the Revised Code, the average number of effective operating mills that school districts in the seventieth to ninetieth percentiles of valuations per pupil collect above the revenues required to finance their attributed local shares of the calculated cost of an adequate education.~~

~~Any committee appointed pursuant to this section shall make its report to the office of budget and management and the general assembly within one year of its appointment so that the information is available for use by the office and the general assembly in preparing the next biennial appropriations act.~~

~~(D)(1) For purposes of this division, an "update year" is the first fiscal year for which the per pupil base cost of an adequate education is in effect after being recalculated by the general assembly. The first update year is fiscal year 2002. The second update year is fiscal year 2008.~~

~~(2) The general assembly shall recalculate the per pupil base cost of an adequate education every six years after considering the recommendations of the committee appointed under division (C) of this section. At the time of the recalculation, for each of the five fiscal years following the update year, the general assembly shall adjust the base cost recalculated for the update year using an annual rate of inflation that the general assembly determines appropriate.~~

~~(3) The general assembly shall include, in the act appropriating state funds for education programs for a fiscal biennium that begins with an update year, a statement of its determination of the total state share percentage of base cost and parity aid funding for the update year.~~

~~(4) During its biennial budget deliberations, the general~~

~~assembly shall determine the total state share percentage of base 29517
cost and parity aid funding for each fiscal year of the upcoming 29518
biennium. This determination shall be based on the latest 29519
projections and data provided by the department of education under 29520
division (D)(6) of this section prior to the enactment of 29521
education appropriations for the upcoming biennium. If, based on 29522
those latest projections and data, the general assembly determines 29523
that the total state share percentage for either or both nonupdate 29524
fiscal years varies more than two and one half percentage points 29525
more or less than the total state share percentage for the most 29526
recent update year, as previously stated by the general assembly 29527
under division (D)(3) of this section, the general assembly shall 29528
determine and enact a method that it considers appropriate to 29529
restrict the estimated variance for each year to within two and 29530
one half percentage points. The general assembly's methods may 29531
include, but are not required to include and need not be limited 29532
to, reexamining the rate of millage charged off as the local share 29533
of base cost funding under divisions (A)(1) and (2) of section 29534
3317.022 of the Revised Code. Regardless of any changes in 29535
charge off millage rates in years between update years, however, 29536
the charge off millage rate for update years shall be twenty three 29537
mills, unless the general assembly determines that a different 29538
millage rate is more appropriate to share the total calculated 29539
base cost between the state and school districts. 29540~~

~~(5) The total state share percentage of base cost and parity 29541
aid funding for any fiscal year is calculated as follows: 29542~~

~~$$\frac{\{(\text{Total state base cost} + \text{total state parity aid funding}) - \text{statewide charge off amount}\}}{(\text{Total state base cost} + \text{total state parity aid funding})}$$
 29543
29544
29545~~

~~Where: 29546~~

~~(a) The total state base cost equals the sum of the base 29547
costs for all school districts for the fiscal year. 29548~~

~~(b) The base cost for each school district equals:~~ 29549
~~formula amount X cost of doing business factor X~~ 29550
~~the greater of formula ADM or~~ 29551
~~three year average formula ADM~~ 29552

~~(c) The total state parity aid funding equals the sum of the~~ 29553
~~amounts paid to all school districts for the fiscal year under~~ 29554
~~section 3317.0217 of the Revised Code.~~ 29555

~~(d) The statewide charge off amount equals the sum of the~~ 29556
~~charge off amounts for all school districts.~~ 29557

~~(e) The charge off amount for each school district is the~~ 29558
~~amount calculated as its local share of base cost funding and~~ 29559
~~deducted from the total calculated base cost to determine the~~ 29560
~~amount of its state payment under divisions (A)(1) and (2) of~~ 29561
~~section 3317.022 of the Revised Code. The charge off amount for~~ 29562
~~each school district in fiscal year 2002 is the product of~~ 29563
~~twenty three mills multiplied by the district's recognized~~ 29564
~~valuation as adjusted, if applicable, under division (A)(2) of~~ 29565
~~section 3317.022 of the Revised Code. If however, in any fiscal~~ 29566
~~year, including fiscal year 2002, a school district's calculated~~ 29567
~~charge off amount exceeds its base cost calculated as described in~~ 29568
~~division (D)(5)(b) of this section, the district's charge off~~ 29569
~~amount shall be deemed to equal its calculated base cost.~~ 29570

~~(6) Whenever requested by the chairperson of the standing~~ 29571
~~committee of the house or representatives or the senate having~~ 29572
~~primary jurisdiction over appropriations, the legislative budget~~ 29573
~~officer, or the director of budget and management, the department~~ 29574
~~of education shall report its latest projections for total base~~ 29575
~~cost, total parity aid funding, and the statewide charge off~~ 29576
~~amount, as those terms are defined in division (D)(5) of this~~ 29577
~~section, for each year of the upcoming fiscal biennium, and all~~ 29578
~~data it used to make the projections.~~ 29579

Sec. 3317.013. This section does not apply to handicapped 29580
preschool students. 29581

Analysis of special education cost data has resulted in a 29582
finding that the average special education additional cost per 29583
pupil, including the costs of related services, can be expressed 29584
as a multiple of the base cost per pupil calculated under section 29585
3317.012 of the Revised Code. The multiples for the following 29586
categories of special education programs, as these programs are 29587
defined for purposes of Chapter 3323. of the Revised Code, and 29588
adjusted as provided in this section, are as follows: 29589

(A) A multiple of 0.2892 for students whose primary or only 29590
identified handicap is a speech and language handicap, as this 29591
term is defined pursuant to Chapter 3323. of the Revised Code; 29592

(B) A multiple of 0.3691 for students identified as specific 29593
learning disabled or developmentally handicapped, as these terms 29594
are defined pursuant to Chapter 3323. of the Revised Code, or 29595
other health handicapped-minor; 29596

(C) A multiple of 1.7695 for students identified as hearing 29597
handicapped, vision impaired, or severe behavior handicapped, as 29598
these terms are defined pursuant to Chapter 3323. of the Revised 29599
Code; 29600

(D) A multiple of 2.3646 for students identified as 29601
orthopedically handicapped, as this term is defined pursuant to 29602
Chapter 3323. of the Revised Code or other health handicapped - 29603
major; 29604

(E) A multiple of 3.1129 for students identified as 29605
multihandicapped, as this term is defined pursuant to Chapter 29606
3323. of the Revised Code; 29607

(F) A multiple of 4.7342 for students identified as autistic, 29608
having traumatic brain injuries, or as both visually and hearing 29609

disabled, as these terms are defined pursuant to Chapter 3323. of 29610
the Revised Code. 29611

In fiscal year ~~2002~~ 2004, the multiples specified in 29612
divisions (A) to (F) of this section shall be adjusted by 29613
multiplying them by ~~0.825~~ 0.88. In fiscal year ~~2003~~ 2005, the 29614
multiples specified in those divisions shall be adjusted by 29615
multiplying them by ~~0.875~~ 0.90. 29616

Not later than May 30, 2004, and May 30, 2005, the department 29617
shall submit to the office of budget and management a report that 29618
specifies for each city, local, exempted village, and joint 29619
vocational school district the fiscal year allocation of the state 29620
and local shares of special education and related services 29621
additional weighted funding and federal special education funds 29622
passed through to the district. 29623

Sec. 3317.014. The average vocational education additional 29624
cost per pupil can be expressed as a multiple of the base cost per 29625
pupil calculated under section 3317.012 of the Revised Code. the 29626
multiples for the following categories of vocational education 29627
programs are as follows: 29628

(A) A multiple of 0.57 for students enrolled in vocational 29629
education job-training and workforce development programs approved 29630
by the department of education in accordance with rules adopted 29631
under section 3313.90 of the Revised Code. 29632

(B) A multiple of 0.28 for students enrolled in vocational 29633
education classes other than job-training and workforce 29634
development programs. 29635

Vocational education associated services costs can be 29636
expressed as a multiple of 0.05 of the base cost per pupil 29637
calculated under section 3317.012 of the Revised Code. 29638

The general assembly has adjusted the multiples specified in 29639

this section for calculating payments beginning in fiscal year 2002 in recognition that its policy change regarding the application of the cost-of-doing-business factor produces a higher base cost amount than would exist if no change were made to its application. The adjustment maintains the same weighted costs as would exist if no change were made to the application of the cost-of-doing-business factor.

The department of education shall annually report to the governor and the general assembly the amount of weighted funding for vocational education and associated services that is spent by each city, local, exempted village, and joint vocational school district specifically for vocational educational and associated services.

Sec. 3317.02. As used in this chapter:

(A) Unless otherwise specified, "school district" means city, local, and exempted village school districts.

(B) "Formula amount" means the base cost for the fiscal year specified in section 3317.012 of the Revised Code.

(C) "FTE basis" means a count of students based on full-time equivalency, in accordance with rules adopted by the department of education pursuant to section 3317.03 of the Revised Code. In adopting its rules under this division, the department shall provide for counting any student in category one, two, three, four, five, or six special education ADM or in category one or two vocational education ADM in the same proportion the student is counted in formula ADM.

(D)(1) "Formula ADM" means, for a city, local, or exempted village school district, the number reported pursuant to division (A) of section 3317.03 of the Revised Code, and for a joint vocational school district, the number reported pursuant to

division (D) of that section. 29670

(2) "Three-year average formula ADM" means the average of 29671
formula ADMs for the current and preceding two fiscal years. 29672
However, as applicable in fiscal years 1999 and 2000, the 29673
three-year average for city, local, and exempted village school 29674
districts shall be determined utilizing the FY 1997 ADM or FY 1998 29675
ADM in lieu of formula ADM for fiscal year 1997 or 1998. In fiscal 29676
years 2000 and 2001, the three-year average for joint vocational 29677
school districts shall be determined utilizing the average daily 29678
membership reported in fiscal years 1998 and 1999 under division 29679
(D) of section 3317.03 of the Revised Code in lieu of formula ADM 29680
for fiscal years 1998 and 1999. 29681

(E) "FY 1997 ADM" or "FY 1998 ADM" means the school 29682
district's average daily membership reported for the applicable 29683
fiscal year under the version of division (A) of section 3317.03 29684
of the Revised Code in effect during that fiscal year, adjusted as 29685
follows: 29686

(1) Minus the average daily membership of handicapped 29687
preschool children; 29688

(2) Minus one-half of the average daily membership attending 29689
kindergarten; 29690

(3) Minus three-fourths of the average daily membership 29691
attending a joint vocational school district; 29692

(4) Plus the average daily membership entitled under section 29693
3313.64 or 3313.65 of the Revised Code to attend school in the 29694
district but receiving educational services in approved units from 29695
an educational service center or another school district under a 29696
compact or a cooperative education agreement, as determined by the 29697
department; 29698

(5) Minus the average daily membership receiving educational 29699
services from the district in approved units but entitled under 29700

section 3313.64 or 3313.65 of the Revised Code to attend school in 29701
another school district, as determined by the department. 29702

(F)(1) "Category one special education ADM" means the average 29703
daily membership of handicapped children receiving special 29704
education services for the handicap specified in division (A) of 29705
section 3317.013 of the Revised Code and reported under division 29706
(B)(5) or (D)(2)(b) of section 3317.03 of the Revised Code. 29707

(2) "Category two special education ADM" means the average 29708
daily membership of handicapped children receiving special 29709
education services for those handicaps specified in division (B) 29710
of section 3317.013 of the Revised Code and reported under 29711
division (B)(6) or (D)(2)(c) of section 3317.03 of the Revised 29712
Code. 29713

(3) "Category three special education ADM" means the average 29714
daily membership of students receiving special education services 29715
for those handicaps specified in division (C) of section 3317.013 29716
of the Revised Code, and reported under division (B)(7) or 29717
(D)(2)(d) of section 3317.03 of the Revised Code. 29718

(4) "Category four special education ADM" means the average 29719
daily membership of students receiving special education services 29720
for those handicaps specified in division (D) of section 3317.013 29721
of the Revised Code and reported under division (B)(8) or 29722
(D)(2)(e) of section 3317.03 of the Revised Code. 29723

(5) "Category five special education ADM" means the average 29724
daily membership of students receiving special education services 29725
for the handicap specified in division (E) of section 3317.013 of 29726
the Revised Code and reported under division (B)(9) or (D)(2)(f) 29727
of section 3317.03 of the Revised Code. 29728

(6) "Category six special education ADM" means the average 29729
daily membership of students receiving special education services 29730
for the handicap specified in division (F) of section 3317.013 of 29731

the Revised Code and reported under division (B)(10) or (D)(2)(g) 29732
of section 3317.03 of the Revised Code. 29733

(7) "Category one vocational education ADM" means the average 29734
daily membership of students receiving vocational education 29735
services described in division (A) of section 3317.014 of the 29736
Revised Code and reported under division (B)(11) or (D)(2)(h) of 29737
section 3317.03 of the Revised Code. 29738

(8) "Category two vocational education ADM" means the average 29739
daily membership of students receiving vocational education 29740
services described in division (B) of section 3317.014 of the 29741
Revised Code and reported under division (B)(12) or (D)(2)(i) of 29742
section 3317.03 of the Revised Code. 29743

(G) "Handicapped preschool child" means a handicapped child, 29744
as defined in section 3323.01 of the Revised Code, who is at least 29745
age three but is not of compulsory school age, as defined in 29746
section 3321.01 of the Revised Code, and who is not currently 29747
enrolled in kindergarten. 29748

(H) "County MR/DD board" means a county board of mental 29749
retardation and developmental disabilities. 29750

(I) "Recognized valuation" means the amount calculated for a 29751
school district pursuant to section 3317.015 of the Revised Code. 29752

(J) "Transportation ADM" means the number of children 29753
reported under division (B)(13) of section 3317.03 of the Revised 29754
Code. 29755

(K) "Average efficient transportation use cost per student" 29756
means a statistical representation of transportation costs as 29757
calculated under division (D)(2) of section 3317.022 of the 29758
Revised Code. 29759

(L) "Taxes charged and payable" means the taxes charged and 29760
payable against real and public utility property after making the 29761

reduction required by section 319.301 of the Revised Code, plus 29762
the taxes levied against tangible personal property. 29763

(M) "Total taxable value" means the sum of the amounts 29764
certified for a city, local, exempted village, or joint vocational 29765
school district under divisions (A)(1) and (2) of section 3317.021 29766
of the Revised Code. 29767

(N) "Cost-of-doing-business factor" means the amount 29768
indicated in this division for the county in which a city, local, 29769
exempted village, or joint vocational school district is located. 29770
If a city, local, or exempted village school district is located 29771
in more than one county, the factor is the amount indicated for 29772
the county to which the district is assigned by the state 29773
department of education. If a joint vocational school district is 29774
located in more than one county, the factor is the amount 29775
indicated for the county in which the joint vocational school with 29776
the greatest formula ADM operated by the district is located. 29777

COST-OF-DOING-BUSINESS 29778

COUNTY	FACTOR	AMOUNT	
Adams	1.0061	<u>1.0035</u>	29779
Allen	1.0236	<u>1.0206</u>	29780
Ashland	1.0331	<u>1.0297</u>	29781
Ashtabula	1.0431	<u>1.0397</u>	29782
Athens	1.0038	<u>1.0014</u>	29783
Auglaize	1.0272	<u>1.0247</u>	29784
Belmont	1.0043	<u>1.0064</u>	29785
Brown	1.0207	<u>1.0177</u>	29786
Butler	1.0663	<u>1.0646</u>	29787
Carroll	1.0148	<u>1.0137</u>	29788
Champaign	1.0413	<u>1.0446</u>	29789
Clark	1.0443	<u>1.0447</u>	29790
Clermont	1.0532	<u>1.0541</u>	29791
Clinton	1.0296	<u>1.0329</u>	29792

Columbiana	1.0262 <u>1.0214</u>	29794
Coshocton	1.0200 <u>1.0173</u>	29795
Crawford	1.0140 <u>1.0164</u>	29796
Cuyahoga	1.0672 <u>1.0626</u>	29797
Darke	1.0343 <u>1.0338</u>	29798
Defiance	1.0165 <u>1.0146</u>	29799
Delaware	1.0479 <u>1.0528</u>	29800
Erie	1.0372 <u>1.0388</u>	29801
Fairfield	1.0354 <u>1.0366</u>	29802
Fayette	1.0258 <u>1.0319</u>	29803
Franklin	1.0519 <u>1.0608</u>	29804
Fulton	1.0361 <u>1.0330</u>	29805
Gallia	1.0000	29806
Geauga	1.0528 <u>1.0501</u>	29807
Greene	1.0407 <u>1.0444</u>	29808
Guernsey	1.0064 <u>1.0066</u>	29809
Hamilton	1.0750	29810
Hancock	1.0215	29811
Hardin	1.0348 <u>1.0356</u>	29812
Harrison	1.0081 <u>1.0074</u>	29813
Henry	1.0338 <u>1.0318</u>	29814
Highland	1.0129 <u>1.0148</u>	29815
Hocking	1.0151 <u>1.0188</u>	29816
Holmes	1.0238 <u>1.0178</u>	29817
Huron	1.0305 <u>1.0293</u>	29818
Jackson	1.0118 <u>1.0138</u>	29819
Jefferson	1.0067 <u>1.0073</u>	29820
Knox	1.0258 <u>1.0279</u>	29821
Lake	1.0556 <u>1.0524</u>	29822
Lawrence	1.0122 <u>1.0081</u>	29823
Licking	1.0375 <u>1.0381</u>	29824
Logan	1.0362 <u>1.0385</u>	29825
Lorain	1.0521 <u>1.0515</u>	29826

Lucas	1.0406 <u>1.0390</u>	29827
Madison	1.0437 <u>1.0488</u>	29828
Mahoning	1.0384 <u>1.0346</u>	29829
Marion	1.0263 <u>1.0306</u>	29830
Medina	1.0595 <u>1.0536</u>	29831
Meigs	1.0018 <u>1.0026</u>	29832
Mercer	1.0199 <u>1.0203</u>	29833
Miami	1.0415 <u>1.0411</u>	29834
Monroe	1.0097 <u>1.0050</u>	29835
Montgomery	1.0476 <u>1.0453</u>	29836
Morgan	1.0128 <u>1.0089</u>	29837
Morrow	1.0276 <u>1.0301</u>	29838
Muskingum	1.0145 <u>1.0127</u>	29839
Noble	1.0103 <u>1.0073</u>	29840
Ottawa	1.0468 <u>1.0486</u>	29841
Paulding	1.0140 <u>1.0115</u>	29842
Perry	1.0154 <u>1.0160</u>	29843
Pickaway	1.0326 <u>1.0391</u>	29844
Pike	1.0094 <u>1.0103</u>	29845
Portage	1.0516 <u>1.0472</u>	29846
Preble	1.0476 <u>1.0442</u>	29847
Putnam	1.0243 <u>1.0216</u>	29848
Richland	1.0213 <u>1.0199</u>	29849
Ross	1.0085 <u>1.0151</u>	29850
Sandusky	1.0307 <u>1.0321</u>	29851
Scioto	1.0029 <u>1.0012</u>	29852
Seneca	1.0223	29853
Shelby	1.0263 <u>1.0278</u>	29854
Stark	1.0300 <u>1.0255</u>	29855
Summit	1.0598 <u>1.0542</u>	29856
Trumbull	1.0381 <u>1.0351</u>	29857
Tuscarawas	1.0097 <u>1.0089</u>	29858
Union	1.0446 <u>1.0500</u>	29859

Van Wert	1.0133	29860
Vinton	1.0070 <u>1.0095</u>	29861
Warren	1.0659 <u>1.0658</u>	29862
Washington	1.0075 <u>1.0060</u>	29863
Wayne	1.0404 <u>1.0348</u>	29864
Williams	1.0284 <u>1.0228</u>	29865
Wood	1.0382 <u>1.0360</u>	29866
Wyandot	1.0188 <u>1.0171</u>	29867

(O) "Tax exempt value" of a school district means the amount certified for a school district under division (A)(4) of section 3317.021 of the Revised Code.

(P) "Potential value" of a school district means the recognized valuation of a school district plus the tax exempt value of the district.

(Q) "District median income" means the median Ohio adjusted gross income certified for a school district. On or before the first day of July of each year, the tax commissioner shall certify to the department of education for each city, exempted village, and local school district the median Ohio adjusted gross income of the residents of the school district determined on the basis of tax returns filed for the second preceding tax year by the residents of the district.

(R) "Statewide median income" means the median district median income of all city, exempted village, and local school districts in the state.

(S) "Income factor" for a city, exempted village, or local school district means the quotient obtained by dividing that district's median income by the statewide median income.

(T) "Medically fragile child" means a child to whom all of the following apply:

(1) The child requires the services of a doctor of medicine

or osteopathic medicine at least once a week due to the 29891
instability of the child's medical condition. 29892

(2) The child requires the services of a registered nurse on 29893
a daily basis. 29894

(3) The child is at risk of institutionalization in a 29895
hospital, skilled nursing facility, or intermediate care facility 29896
for the mentally retarded. 29897

(U) A child may be identified as "other health 29898
handicapped-major" if the child's condition meets the definition 29899
of "other health impaired" established in rules adopted by the 29900
state board of education prior to ~~the effective date of this~~ 29901
~~amendment~~ July 1, 2001, and if either of the following apply: 29902

(1) The child is identified as having a medical condition 29903
that is among those listed by the superintendent of public 29904
instruction as conditions where a substantial majority of cases 29905
fall within the definition of "medically fragile child." The 29906
superintendent of public instruction shall issue an initial list 29907
no later than September 1, 2001. 29908

(2) The child is determined by the superintendent of public 29909
instruction to be a medically fragile child. A school district 29910
superintendent may petition the superintendent of public 29911
instruction for a determination that a child is a medically 29912
fragile child. 29913

(V) A child may be identified as "other health 29914
handicapped-minor" if the child's condition meets the definition 29915
of "other health impaired" established in rules adopted by the 29916
state board of education prior to ~~the effective date of this~~ 29917
~~amendment~~ July 1, 2001, but the child's condition does not meet 29918
either of the conditions specified in division (U)(1) or (2) of 29919
this section. 29920

Sec. 3317.022. (A)(1) The department of education shall 29921
compute and distribute state base cost funding to each school 29922
district for the fiscal year in accordance with the following 29923
formula, making any adjustment required by division (A)(2) of this 29924
section and using the information obtained under section 3317.021 29925
of the Revised Code in the calendar year in which the fiscal year 29926
begins. 29927

Compute the following for each eligible district: 29928

$$\dagger(\text{cost-of-doing-business factor X}$$
 29929
the formula amount X ~~(the greater of formula ADM~~ 29930
~~or three-year average formula ADM)~~† - 29931
(.023 X recognized valuation) 29932

If the difference obtained is a negative number, the 29933
district's computation shall be zero. 29934

(2)(a) For each school district for which the tax exempt 29935
value of the district equals or exceeds twenty-five per cent of 29936
the potential value of the district, the department of education 29937
shall calculate the difference between the district's tax exempt 29938
value and twenty-five per cent of the district's potential value. 29939

(b) For each school district to which division (A)(2)(a) of 29940
this section applies, the department shall adjust the recognized 29941
valuation used in the calculation under division (A)(1) of this 29942
section by subtracting from it the amount calculated under 29943
division (A)(2)(a) of this section. 29944

(B) As used in this section: 29945

(1) The "total special education weight" for a district means 29946
the sum of the following amounts: 29947

(a) The district's category one special education ADM 29948
multiplied by the multiple specified in division (A) of section 29949
3317.013 of the Revised Code; 29950

(b) The district's category two special education ADM	29951
multiplied by the multiple specified in division (B) of section	29952
3317.013 of the Revised Code;	29953
(c) The district's category three special education ADM	29954
multiplied by the multiple specified in division (C) of section	29955
3317.013 of the Revised Code;	29956
(d) The district's category four special education ADM	29957
multiplied by the multiple specified in division (D) of section	29958
3317.013 of the Revised Code;	29959
(e) The district's category five special education ADM	29960
multiplied by the multiple specified in division (E) of section	29961
3317.013 of the Revised Code;	29962
(f) The district's category six special education ADM	29963
multiplied by the multiple specified in division (F) of section	29964
3317.013 of the Revised Code.	29965
(2) "State share percentage" means the percentage calculated	29966
for a district as follows:	29967
(a) Calculate the state base cost funding amount for the	29968
district for the fiscal year under division (A) of this section.	29969
If the district would not receive any state base cost funding for	29970
that year under that division, the district's state share	29971
percentage is zero.	29972
(b) If the district would receive state base cost funding	29973
under that division, divide that amount by an amount equal to the	29974
following:	29975
Cost-of-doing-business factor X	29976
the formula amount X (the greater of formula	29977
ADM or three-year average formula ADM)	29978
The resultant number is the district's state share	29979
percentage.	29980

(3) "Related services" includes:	29981
(a) Child study, special education supervisors and coordinators, speech and hearing services, adaptive physical development services, occupational or physical therapy, teacher assistants for handicapped children whose handicaps are described in division (B) of section 3317.013 or division (F)(3) of section 3317.02 of the Revised Code, behavioral intervention, interpreter services, work study, nursing services, and specialized integrative services as those terms are defined by the department;	29982 29983 29984 29985 29986 29987 29988 29989
(b) Speech and language services provided to any student with a handicap, including any student whose primary or only handicap is a speech and language handicap;	29990 29991 29992
(c) Any related service not specifically covered by other state funds but specified in federal law, including but not limited to, audiology and school psychological services;	29993 29994 29995
(d) Any service included in units funded under former division (O)(1) of section 3317.023 of the Revised Code;	29996 29997
(e) Any other related service needed by handicapped children in accordance with their individualized education plans.	29998 29999
(4) The "total vocational education weight" for a district means the sum of the following amounts:	30000 30001
(a) The district's category one vocational education ADM multiplied by the multiple specified in division (A) of section 3317.014 of the Revised Code;	30002 30003 30004
(b) The district's category two vocational education ADM multiplied by the multiple specified in division (B) of section 3317.014 of the Revised Code.	30005 30006 30007
(C)(1) The department shall compute and distribute state special education and related services additional weighted costs funds to each school district in accordance with the following	30008 30009 30010

formula:	30011
The district's state share percentage	30012
X the formula amount for the year	30013
for which the aid is calculated	30014
X the district's total special education weight	30015
(2) The attributed local share of special education and related services additional weighted costs equals:	30016
(1 - the district's state share percentage) X	30017
the district's total special education weight X	30018
the formula amount	30019
(3)(a) The department shall compute and pay in accordance with this division additional state aid to school districts for students in categories two through six special education ADM. If a district's costs for the fiscal year for a student in its categories two through six special education ADM exceed the threshold catastrophic cost for serving the student, the district may submit to the superintendent of public instruction documentation, as prescribed by the superintendent, of all its costs for that student. Upon submission of documentation for a student of the type and in the manner prescribed, the department shall pay to the district an amount equal to the sum of the following:	30020
(i) One-half of the district's costs for the student in excess of the threshold catastrophic cost;	30021
(ii) The product of one-half of the district's costs for the student in excess of the threshold catastrophic cost multiplied by the district's state share percentage.	30022
(b) For purposes of division (C)(3)(a) of this section, the threshold catastrophic cost for serving a student equals:	30023
(i) For a student in the school district's category two, three, four, or five special education ADM, twenty-five thousand	30024
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dollars in fiscal year 2002 and twenty-five thousand seven hundred 30042
dollars in fiscal ~~year~~ years 2003, 2004, and 2005; 30043

(ii) For a student in the district's category six special 30044
education ADM, thirty thousand dollars in fiscal year 2002 and 30045
thirty thousand eight hundred forty dollars in fiscal ~~year~~ years 30046
2003, 2004, and 2005. 30047

~~The threshold catastrophic costs for fiscal year 2003 30048
represent a two and eight tenths per cent inflationary increase 30049
over fiscal year 2002. 30050~~

(c) The district shall only report under division (C)(3)(a) 30051
of this section, and the department shall only pay for, the costs 30052
of educational expenses and the related services provided to the 30053
student in accordance with the student's individualized education 30054
program. Any legal fees, court costs, or other costs associated 30055
with any cause of action relating to the student may not be 30056
included in the amount. 30057

~~(5)(4)(a) As used in this division, the "personnel allowance" 30058
means thirty thousand dollars in fiscal years 2002 ~~and~~, 2003, 30059
2004, and 2005. 30060~~

(b) For the provision of speech language pathology services 30061
to students, including students who do not have individualized 30062
education programs prepared for them under Chapter 3323. of the 30063
Revised Code, and for no other purpose, the department of 30064
education shall pay each school district an amount calculated 30065
under the following formula: 30066

(formula ADM divided by 2000) X 30067

the personnel allowance X the state share percentage 30068

(5) In any fiscal year, a school district shall spend for 30069
purposes that the department designates as approved for special 30070
education and related services expenses at least the amount 30071
calculated as follows: 30072

(cost-of-doing-business factor X 30073
formula amount X the sum of categories 30074
one through six special education ADM) + 30075
(total special education weight X formula amount) 30076

The purposes approved by the department for special education 30077
expenses shall include, but shall not be limited to, 30078
identification of handicapped children, compliance with state 30079
rules governing the education of handicapped children and 30080
prescribing the continuum of program options for handicapped 30081
children, provision of speech language pathology services, and the 30082
portion of the school district's overall administrative and 30083
overhead costs that are attributable to the district's special 30084
education student population. 30085

The department shall require school districts to report data 30086
annually to allow for monitoring compliance with division (C)(5) 30087
of this section. The department shall annually report to the 30088
governor and the general assembly the amount of money spent by 30089
each school district for special education and related services. 30090

(6) In any fiscal year, a school district shall spend for the 30091
provision of speech language pathology services not less than the 30092
sum of the amount calculated under division (C)(1) of this section 30093
for the students in the district's category one special education 30094
ADM and the amount calculated under division (C)(4) of this 30095
section. 30096

(D)(1) As used in this division: 30097

(a) "Daily bus miles per student" equals the number of bus 30098
miles traveled per day, divided by transportation base. 30099

(b) "Transportation base" equals total student count as 30100
defined in section 3301.011 of the Revised Code, minus the number 30101
of students enrolled in preschool handicapped units, plus the 30102
number of nonpublic school students included in transportation 30103

ADM.	30104
(c) "Transported student percentage" equals transportation ADM divided by transportation base.	30105 30106
(d) "Transportation cost per student" equals total operating costs for board-owned or contractor-operated school buses divided by transportation base.	30107 30108 30109
(2) Analysis of student transportation cost data has resulted in a finding that an average efficient transportation use cost per student can be calculated by means of a regression formula that has as its two independent variables the number of daily bus miles per student and the transported student percentage. For fiscal year 1998 transportation cost data, the average efficient transportation use cost per student is expressed as follows:	30110 30111 30112 30113 30114 30115 30116
51.79027 + (139.62626 X daily bus miles per student) + (116.25573 X transported student percentage)	30117 30118
The department of education shall annually determine the average efficient transportation use cost per student in accordance with the principles stated in division (D)(2) of this section, updating the intercept and regression coefficients of the regression formula modeled in this division, based on an annual statewide analysis of each school district's daily bus miles per student, transported student percentage, and transportation cost per student data. The department shall conduct the annual update using data, including daily bus miles per student, transported student percentage, and transportation cost per student data, from the prior fiscal year. The department shall notify the office of budget and management of such update by the fifteenth day of February of each year.	30119 30120 30121 30122 30123 30124 30125 30126 30127 30128 30129 30130 30131
(3) In addition to funds paid under divisions (A), (C), and (E) of this section, each district with a transported student percentage greater than zero shall receive a payment equal to a	30132 30133 30134

percentage of the product of the district's transportation base 30135
from the prior fiscal year times the annually updated average 30136
efficient transportation use cost per student, times an inflation 30137
factor of two and eight tenths per cent to account for the 30138
one-year difference between the data used in updating the formula 30139
and calculating the payment and the year in which the payment is 30140
made. The percentage shall be the following percentage of that 30141
product specified for the corresponding fiscal year: 30142

FISCAL YEAR	PERCENTAGE	
2000	52.5%	30144
2001	55%	30145
2002	57.5%	30146
2003 and thereafter	The greater of 60% or the district's state share percentage	30147

The payments made under division (D)(3) of this section each 30148
year shall be calculated based on all of the same prior year's 30149
data used to update the formula. 30150

(4) In addition to funds paid under divisions (D)(2) and (3) 30151
of this section, a school district shall receive a rough road 30152
subsidy if both of the following apply: 30153

(a) Its county rough road percentage is higher than the 30154
statewide rough road percentage, as those terms are defined in 30155
division (D)(5) of this section; 30156

(b) Its district student density is lower than the statewide 30157
student density, as those terms are defined in that division. 30158

(5) The rough road subsidy paid to each district meeting the 30159
qualifications of division (D)(4) of this section shall be 30160
calculated in accordance with the following formula: 30161

(per rough mile subsidy X total rough road miles) X 30162
density multiplier 30163

where: 30164

(a) "Per rough mile subsidy" equals the amount calculated in 30165
accordance with the following formula: 30166

0.75 - {0.75 X [(maximum rough road percentage - 30167

county rough road percentage)/(maximum rough road percentage - 30169

statewide rough road percentage)]} 30170

(i) "Maximum rough road percentage" means the highest county 30171
rough road percentage in the state. 30172

(ii) "County rough road percentage" equals the percentage of 30173
the mileage of state, municipal, county, and township roads that 30174
is rated by the department of transportation as type A, B, C, E2, 30175
or F in the county in which the school district is located or, if 30176
the district is located in more than one county, the county to 30177
which it is assigned for purposes of determining its 30178
cost-of-doing-business factor. 30179

(iii) "Statewide rough road percentage" means the percentage 30180
of the statewide total mileage of state, municipal, county, and 30181
township roads that is rated as type A, B, C, E2, or F by the 30182
department of transportation. 30183

(b) "Total rough road miles" means a school district's total 30184
bus miles traveled in one year times its county rough road 30185
percentage. 30186

(c) "Density multiplier" means a figure calculated in 30187
accordance with the following formula: 30188

1 - [(minimum student density - district student 30189

density)/(minimum student density - 30190

statewide student density)] 30191

(i) "Minimum student density" means the lowest district 30192
student density in the state. 30193

(ii) "District student density" means a school district's transportation base divided by the number of square miles in the district. 30194
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(iii) "Statewide student density" means the sum of the transportation bases for all school districts divided by the sum of the square miles in all school districts. 30197
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(6) In addition to funds paid under divisions (D)(2) to (5) of this section, each district shall receive in accordance with rules adopted by the state board of education a payment for students transported by means other than board-owned or contractor-operated buses and whose transportation is not funded under division (J) of section 3317.024 of the Revised Code. The rules shall include provisions for school district reporting of such students. 30200
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(E)(1) The department shall compute and distribute state vocational education additional weighted costs funds to each school district in accordance with the following formula: 30208
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state share percentage X 30211

the formula amount X 30212

total vocational education weight 30213

In any fiscal year, a school district receiving funds under division (E)(1) of this section shall spend those funds only for the purposes that the department designates as approved for vocational education expenses. Vocational educational expenses approved by the department shall include only expenses connected to the delivery of career-technical programming to career-technical students. The department shall require the school district to report data annually so that the department may monitor the district's compliance with the requirements regarding the manner in which funding received under division (E)(1) of this section may be spent. 30214
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(2) The department shall compute for each school district 30225
state funds for vocational education associated services in 30226
accordance with the following formula: 30227
state share percentage X .05 X 30228
the formula amount X the sum of categories one and two 30229
vocational education ADM 30230

In any fiscal year, a school district receiving funds under 30231
division (E)(2) of this section, or through a transfer of funds 30232
pursuant to division (L) of section 3317.023 of the Revised Code, 30233
shall spend those funds only for the purposes that the department 30234
designates as approved for vocational education associated 30235
services expenses, which may include such purposes as 30236
apprenticeship coordinators, coordinators for other vocational 30237
education services, vocational evaluation, and other purposes 30238
designated by the department. The department may deny payment 30239
under division (E)(2) of this section to any district that the 30240
department determines is not operating those services or is using 30241
funds paid under division (E)(2) of this section, or through a 30242
transfer of funds pursuant to division (L) of section 3317.023 of 30243
the Revised Code, for other purposes. 30244

(F) ~~Beginning in fiscal year 2003, the~~ The actual local share 30245
in any fiscal year for the combination of special education and 30246
related services additional weighted costs funding calculated 30247
under division (C)(1) of this section, transportation funding 30248
calculated under divisions (D)(2) and (3) of this section, and 30249
vocational education and associated services additional weighted 30250
costs funding calculated under divisions (E)(1) and (2) of this 30251
section shall not exceed for any school district the product of 30252
three and three-tenths mills times the district's recognized 30253
valuation. ~~Beginning in fiscal year 2003, the~~ The department 30254
annually shall pay each school district as an excess cost 30255
supplement any amount by which the sum of the district's 30256

attributed local shares for that funding exceeds that product. For 30257
purposes of calculating the excess cost supplement: 30258

(1) The attributed local share for special education and 30259
related services additional weighted costs funding is the amount 30260
specified in division (C)(2) of this section. 30261

(2) The attributed local share of transportation funding 30262
equals the difference of the total amount calculated for the 30263
district using the formula developed under division (D)(2) of this 30264
section minus the actual amount paid to the district after 30265
applying the percentage specified in division (D)(3) of this 30266
section. 30267

(3) The attributed local share of vocational education and 30268
associated services additional weighted costs funding is the 30269
amount determined as follows: 30270

(1 - state share percentage) X 30271
[(total vocational education weight X the formula amount) + 30272
the payment under division (E)(2) of this section] 30273

Sec. 3317.023. (A) Notwithstanding section 3317.022 of the 30274
Revised Code, the amounts required to be paid to a district under 30275
this chapter shall be adjusted by the amount of the computations 30276
made under divisions (B) to ~~(L)~~(M) of this section. 30277

As used in this section: 30278

(1) "Classroom teacher" means a licensed employee who 30279
provides direct instruction to pupils, excluding teachers funded 30280
from money paid to the district from federal sources; educational 30281
service personnel; and vocational and special education teachers. 30282

(2) "Educational service personnel" shall not include such 30283
specialists funded from money paid to the district from federal 30284
sources or assigned full-time to vocational or special education 30285
students and classes and may only include those persons employed 30286

in the eight specialist areas in a pattern approved by the 30287
department of education under guidelines established by the state 30288
board of education. 30289

(3) "Annual salary" means the annual base salary stated in 30290
the state minimum salary schedule for the performance of the 30291
teacher's regular teaching duties that the teacher earns for 30292
services rendered for the first full week of October of the fiscal 30293
year for which the adjustment is made under division (C) of this 30294
section. It shall not include any salary payments for supplemental 30295
teachers contracts. 30296

(4) "Regular student population" means the formula ADM plus 30297
the number of students reported as enrolled in the district 30298
pursuant to division (A)(1) of section 3313.981 of the Revised 30299
Code; minus the number of students reported under division (A)(2) 30300
of section 3317.03 of the Revised Code; minus the FTE of students 30301
reported under division (B)~~(5)~~, (6), (7), (8), (9), (10), (11), or 30302
(12) of that section who are enrolled in a vocational education 30303
class or receiving special education; and minus ~~one-fourth~~ twenty
per cent of the students enrolled concurrently in a joint 30304
vocational school district. 30305
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(5) "State share percentage" has the same meaning as in 30307
section 3317.022 of the Revised Code. 30308

(6) "VEPD" means a school district or group of school 30309
districts designated by the department of education as being 30310
responsible for the planning for and provision of vocational 30311
education services to students within the district or group. 30312

(7) "Lead district" means a school district, including a 30313
joint vocational school district, designated by the department as 30314
a VEPD, or designated to provide primary vocational education 30315
leadership within a VEPD composed of a group of districts. 30316

(B) If the district employs less than one full-time 30317

equivalent classroom teacher for each twenty-five pupils in the 30318
regular student population in any school district, deduct the sum 30319
of the amounts obtained from the following computations: 30320

(1) Divide the number of the district's full-time equivalent 30321
classroom teachers employed by one twenty-fifth; 30322

(2) Subtract the quotient in (1) from the district's regular 30323
student population; 30324

(3) Multiply the difference in (2) by seven hundred fifty-two 30325
dollars. 30326

(C) If a positive amount, add one-half of the amount obtained 30327
by multiplying the number of full-time equivalent classroom 30328
teachers by: 30329

(1) The mean annual salary of all full-time equivalent 30330
classroom teachers employed by the district at their respective 30331
training and experience levels minus; 30332

(2) The mean annual salary of all such teachers at their 30333
respective levels in all school districts receiving payments under 30334
this section. 30335

The number of full-time equivalent classroom teachers used in 30336
this computation shall not exceed one twenty-fifth of the 30337
district's regular student population. In calculating the 30338
district's mean salary under this division, those full-time 30339
equivalent classroom teachers with the highest training level 30340
shall be counted first, those with the next highest training level 30341
second, and so on, in descending order. Within the respective 30342
training levels, teachers with the highest years of service shall 30343
be counted first, the next highest years of service second, and so 30344
on, in descending order. 30345

(D) This division does not apply to a school district that 30346
has entered into an agreement under division (A) of section 30347

3313.42 of the Revised Code. Deduct the amount obtained from the 30348
following computations if the district employs fewer than five 30349
full-time equivalent educational service personnel, including 30350
elementary school art, music, and physical education teachers, 30351
counselors, librarians, visiting teachers, school social workers, 30352
and school nurses for each one thousand pupils in the regular 30353
student population: 30354

(1) Divide the number of full-time equivalent educational 30355
service personnel employed by the district by five 30356
one-thousandths; 30357

(2) Subtract the quotient in (1) from the district's regular 30358
student population; 30359

(3) Multiply the difference in (2) by ninety-four dollars. 30360

(E) If a local school district, or a city or exempted village 30361
school district to which a governing board of an educational 30362
service center provides services pursuant to section 3313.843 of 30363
the Revised Code, deduct the amount of the payment required for 30364
the reimbursement of the governing board under section 3317.11 of 30365
the Revised Code. 30366

(F)(1) If the district is required to pay to or entitled to 30367
receive tuition from another school district under division (C)(2) 30368
or (3) of section 3313.64 or section 3313.65 of the Revised Code, 30369
or if the superintendent of public instruction is required to 30370
determine the correct amount of tuition and make a deduction or 30371
credit under section 3317.08 of the Revised Code, deduct and 30372
credit such amounts as provided in division (I) of section 3313.64 30373
or section 3317.08 of the Revised Code. 30374

(2) For each child for whom the district is responsible for 30375
tuition or payment under division (A)(1) of section 3317.082 or 30376
section 3323.091 of the Revised Code, deduct the amount of tuition 30377
or payment for which the district is responsible. 30378

(G) If the district has been certified by the superintendent 30379
of public instruction under section 3313.90 of the Revised Code as 30380
not in compliance with the requirements of that section, deduct an 30381
amount equal to ten per cent of the amount computed for the 30382
district under section 3317.022 of the Revised Code. 30383

(H) If the district has received a loan from a commercial 30384
lending institution for which payments are made by the 30385
superintendent of public instruction pursuant to division (E)(3) 30386
of section 3313.483 of the Revised Code, deduct an amount equal to 30387
such payments. 30388

(I)(1) If the district is a party to an agreement entered 30389
into under division (D), (E), or (F) of section 3311.06 or 30390
division (B) of section 3311.24 of the Revised Code and is 30391
obligated to make payments to another district under such an 30392
agreement, deduct an amount equal to such payments if the district 30393
school board notifies the department in writing that it wishes to 30394
have such payments deducted. 30395

(2) If the district is entitled to receive payments from 30396
another district that has notified the department to deduct such 30397
payments under division (I)(1) of this section, add the amount of 30398
such payments. 30399

(J) If the district is required to pay an amount of funds to 30400
a cooperative education district pursuant to a provision described 30401
by division (B)(4) of section 3311.52 or division (B)(8) of 30402
section 3311.521 of the Revised Code, deduct such amounts as 30403
provided under that provision and credit those amounts to the 30404
cooperative education district for payment to the district under 30405
division (B)(1) of section 3317.19 of the Revised Code. 30406

(K)(1) If a district is educating a student entitled to 30407
attend school in another district pursuant to a shared education 30408
contract, compact, or cooperative education agreement other than 30409

an agreement entered into pursuant to section 3313.842 of the Revised Code, credit to that educating district on an FTE basis both of the following:

(a) An amount equal to the formula amount times the cost of doing business factor of the school district where the student is entitled to attend school pursuant to section 3313.64 or 3313.65 of the Revised Code;

(b) An amount equal to the formula amount times the state share percentage times any multiple applicable to the student pursuant to section 3317.013 or 3317.014 of the Revised Code.

(2) Deduct any amount credited pursuant to division (K)(1) of this section from amounts paid to the school district in which the student is entitled to attend school pursuant to section 3313.64 or 3313.65 of the Revised Code.

(3) If the district is required by a shared education contract, compact, or cooperative education agreement to make payments to an educational service center, deduct the amounts from payments to the district and add them to the amounts paid to the service center pursuant to section 3317.11 of the Revised Code.

(L)(1) If a district, including a joint vocational school district, is a lead district of a VEPD, credit to that district the amounts calculated for all the school districts within that VEPD pursuant to division (E)(2) of section 3317.022 of the Revised Code.

(2) Deduct from each appropriate district that is not a lead district, the amount attributable to that district that is credited to a lead district under division (L)(1) of this section.

(M) If the department pays a joint vocational school district under division (G)(4) of section 3317.16 of the Revised Code for excess costs of providing special education and related services to a handicapped student, as calculated under division (G)(2) of

that section, the department shall deduct the amount of that 30441
payment from the city, local, or exempted village school district 30442
that is responsible as specified in that section for the excess 30443
costs. 30444

Sec. 3317.024. In addition to the moneys paid to eligible 30445
school districts pursuant to section 3317.022 of the Revised Code, 30446
moneys appropriated for the education programs in divisions (A) to 30447
(H), (J) to (L), (O), (P), and (R) of this section shall be 30448
distributed to school districts meeting the requirements of 30449
section 3317.01 of the Revised Code; in the case of divisions (J) 30450
and (P) of this section, to educational service centers as 30451
provided in section 3317.11 of the Revised Code; in the case of 30452
divisions (E), (M), and (N) of this section, to county MR/DD 30453
boards; in the case of division (R) of this section, to joint 30454
vocational school districts; in the case of division (K) of this 30455
section, to cooperative education school districts; and in the 30456
case of division (Q) of this section, to the institutions defined 30457
under section 3317.082 of the Revised Code providing elementary or 30458
secondary education programs to children other than children 30459
receiving special education under section 3323.091 of the Revised 30460
Code. The following shall be distributed monthly, quarterly, or 30461
annually as may be determined by the state board of education: 30462

(A) A per pupil amount to each school district that 30463
establishes a summer school remediation program that complies with 30464
rules of the state board of education. 30465

(B) An amount for each island school district and each joint 30466
state school district for the operation of each high school and 30467
each elementary school maintained within such district and for 30468
capital improvements for such schools. Such amounts shall be 30469
determined on the basis of standards adopted by the state board of 30470
education. 30471

(C) An amount for each school district operating classes for 30472
children of migrant workers who are unable to be in attendance in 30473
an Ohio school during the entire regular school year. The amounts 30474
shall be determined on the basis of standards adopted by the state 30475
board of education, except that payment shall be made only for 30476
subjects regularly offered by the school district providing the 30477
classes. 30478

(D) An amount for each school district with guidance, 30479
testing, and counseling programs approved by the state board of 30480
education. The amount shall be determined on the basis of 30481
standards adopted by the state board of education. 30482

(E) An amount for the emergency purchase of school buses as 30483
provided for in section 3317.07 of the Revised Code; 30484

(F) An amount for each school district required to pay 30485
tuition for a child in an institution maintained by the department 30486
of youth services pursuant to section 3317.082 of the Revised 30487
Code, provided the child was not included in the calculation of 30488
the district's average daily membership for the preceding school 30489
year. 30490

(G) In fiscal year 2000 only, an amount to each school 30491
district for supplemental salary allowances for each licensed 30492
employee except those licensees serving as superintendents, 30493
assistant superintendents, principals, or assistant principals, 30494
whose term of service in any year is extended beyond the term of 30495
service of regular classroom teachers, as described in section 30496
3301.0725 of the Revised Code; 30497

(H) An amount for adult basic literacy education for each 30498
district participating in programs approved by the state board of 30499
education. The amount shall be determined on the basis of 30500
standards adopted by the state board of education. 30501

(I) Notwithstanding section 3317.01 of the Revised Code, but 30502

only until June 30, 1999, to each city, local, and exempted 30503
village school district, an amount for conducting driver education 30504
courses at high schools for which the state board of education 30505
prescribes minimum standards and to joint vocational and 30506
cooperative education school districts and educational service 30507
centers, an amount for conducting driver education courses to 30508
pupils enrolled in a high school for which the state board 30509
prescribes minimum standards. No payments shall be made under this 30510
division after June 30, 1999. 30511

(J) An amount for the approved cost of transporting 30512
developmentally handicapped pupils whom it is impossible or 30513
impractical to transport by regular school bus in the course of 30514
regular route transportation provided by the district or service 30515
center. No district or service center is eligible to receive a 30516
payment under this division for the cost of transporting any pupil 30517
whom it transports by regular school bus and who is included in 30518
the district's transportation ADM. The state board of education 30519
shall establish standards and guidelines for use by the department 30520
of education in determining the approved cost of such 30521
transportation for each district or service center. 30522

(K) An amount to each school district, including each 30523
cooperative education school district, pursuant to section 3313.81 30524
of the Revised Code to assist in providing free lunches to needy 30525
children and an amount to assist needy school districts in 30526
purchasing necessary equipment for food preparation. The amounts 30527
shall be determined on the basis of rules adopted by the state 30528
board of education. 30529

(L) An amount to each school district, for each pupil 30530
attending a chartered nonpublic elementary or high school within 30531
the district. The amount shall equal the amount appropriated for 30532
the implementation of section 3317.06 of the Revised Code divided 30533
by the average daily membership in grades kindergarten through 30534

twelve in nonpublic elementary and high schools within the state 30535
as determined during the first full week in October of each school 30536
year. 30537

(M) An amount for each county MR/DD board, distributed on the 30538
basis of standards adopted by the state board of education, for 30539
the approved cost of transportation required for children 30540
attending special education programs operated by the county MR/DD 30541
board under section 3323.09 of the Revised Code; 30542

(N) An amount for each county MR/DD board, distributed on the 30543
basis of standards adopted by the state board of education, for 30544
supportive home services for preschool children; 30545

(O) An amount for each school district that establishes a 30546
mentor teacher program that complies with rules of the state board 30547
of education. No school district shall be required to establish or 30548
maintain such a program in any year unless sufficient funds are 30549
appropriated to cover the district's total costs for the program. 30550

(P) An amount to each school district or educational service 30551
center for the total number of gifted units approved pursuant to 30552
section 3317.05 of the Revised Code. The amount for each such unit 30553
shall be the sum of the minimum salary for the teacher of the 30554
unit, calculated on the basis of the teacher's training level and 30555
years of experience pursuant to the salary schedule prescribed in 30556
the version of section 3317.13 of the Revised Code in effect prior 30557
to ~~the effective date of this amendment~~ July 1, 2001, plus fifteen 30558
per cent of that minimum salary amount, plus two thousand six 30559
hundred seventy-eight dollars. 30560

(Q) An amount to each institution defined under section 30561
3317.082 of the Revised Code providing elementary or secondary 30562
education to children other than children receiving special 30563
education under section 3323.091 of the Revised Code. This amount 30564
for any institution in any fiscal year shall equal the total of 30565

all tuition amounts required to be paid to the institution under 30566
division (A)(1) of section 3317.082 of the Revised Code. 30567

(R) A grant to each school district and joint vocational 30568
school district that operates a "graduation, reality, and 30569
dual-role skills" (GRADS) program for pregnant and parenting 30570
students that is approved by the department. The amount of the 30571
payment shall be the district's state share percentage, as defined 30572
in section 3317.022 or 3317.16 of the Revised Code, times the 30573
GRADS personnel allowance times the full-time-equivalent number of 30574
GRADS teachers approved by the department. The GRADS personnel 30575
allowance is ~~\$46,260~~ \$47,555 in fiscal years ~~2002~~ 2004 and ~~2003~~ 30576
2005. 30577

The state board of education or any other board of education 30578
or governing board may provide for any resident of a district or 30579
educational service center territory any educational service for 30580
which funds are made available to the board by the United States 30581
under the authority of public law, whether such funds come 30582
directly or indirectly from the United States or any agency or 30583
department thereof or through the state or any agency, department, 30584
or political subdivision thereof. 30585

Sec. 3317.029. (A) As used in this section: 30586

(1) "DPIA percentage" means: 30587

(a) In fiscal years prior to fiscal year 2004, the quotient 30588
obtained by dividing the five-year average number of children ages 30589
five to seventeen residing in the school district and living in a 30590
family receiving assistance under the Ohio works first program or 30591
an antecedent program known as TANF or ADC, as certified or 30592
adjusted under section 3317.10 of the Revised Code, by the 30593
district's three-year average formula ADM. 30594

(b) Beginning in fiscal year 2004, the unduplicated number of 30595

children ages five to seventeen residing in the school district 30596
and living in a family that has family income not exceeding the 30597
federal poverty guidelines and that receives family assistance, as 30598
certified or adjusted under section 3317.10 of the Revised Code, 30599
divided by the district's three-year average formula ADM. 30600

(2) "Family assistance" means assistance received under one 30601
of the following: 30602

(a) The Ohio works first program; 30603

(b) The food stamp program; 30604

(c) The medical assistance program, including the healthy 30605
start program, established under Chapter 5111. of the Revised 30606
Code; 30607

(d) The children's health insurance program part I 30608
established under section 5101.50 of the Revised Code or, prior to 30609
fiscal year 2000, an executive order issued under section 107.17 30610
of the Revised Code; 30611

(e) The disability financial assistance program established 30612
under Chapter 5115. of the Revised Code; 30613

(f) The disability medical assistance program established 30614
under Chapter 5115. of the Revised Code. 30615

(3) "Statewide DPIA percentage" means: 30616

(a) In fiscal years prior to fiscal year 2004, the five-year 30617
average of the total number of children ages five to seventeen 30618
years residing in the state and receiving assistance under the 30619
Ohio works first program or an antecedent program known as TANF or 30620
ADC, divided by the sum of the three-year average formula ADMs for 30621
all school districts in the state. 30622

(b) Beginning in fiscal year 2004, the total unduplicated 30623
number of children ages five to seventeen residing in the state 30624
and living in a family that has family income not exceeding the 30625

federal poverty guidelines and that receives family assistance, 30626
divided by the sum of the three-year average formula ADMs for all 30627
school districts in the state. 30628

(4) "DPIA index" means the quotient obtained by dividing the 30629
school district's DPIA percentage by the statewide DPIA 30630
percentage. 30631

(5) "Federal poverty guidelines" has the same meaning as in 30632
section 5101.46 of the Revised Code. 30633

(6) "DPIA student count" means: 30634

(a) In fiscal years prior to fiscal year 2004, the five-year 30635
average number of children ages five to seventeen residing in the 30636
school district and living in a family receiving assistance under 30637
the Ohio works first program or an antecedent program known as 30638
TANF or ADC, as certified under section 3317.10 of the Revised 30639
Code; 30640

(b) Beginning in fiscal year 2004, the unduplicated number of 30641
children ages five to seventeen residing in the school district 30642
and living in a family that has family income not exceeding the 30643
federal poverty guidelines and that receives family assistance, as 30644
certified or adjusted under section 3317.10 of the Revised Code. 30645

(7) "Kindergarten ADM" means the number of students reported 30646
under section 3317.03 of the Revised Code as enrolled in 30647
kindergarten. 30648

(8) "Kindergarten through third grade ADM" means the amount 30649
calculated as follows: 30650

(a) Multiply the kindergarten ADM by the sum of one plus the 30651
all-day kindergarten percentage; 30652

(b) Add the number of students in grades one through three; 30653

(c) Subtract from the sum calculated under division (A)(6)(b) 30654
of this section the number of special education students in grades 30655

kindergarten through three. 30656

(9) "Statewide average teacher salary" means forty-two 30657
thousand four hundred sixty-nine dollars in fiscal year 2002, and 30658
forty-three thousand six hundred fifty-eight dollars in fiscal 30659
year 2003, which includes an amount for the value of fringe 30660
benefits. 30661

(10) "All-day kindergarten" means a kindergarten class that 30662
is in session five days per week for not less than the same number 30663
of clock hours each day as for pupils in grades one through six. 30664

(11) "All-day kindergarten percentage" means the percentage 30665
of a district's actual total number of students enrolled in 30666
kindergarten who are enrolled in all-day kindergarten. 30667

(12) "Buildings with the highest concentration of need" 30668
means: 30669

(a) In fiscal years prior to fiscal year 2004, the school 30670
buildings in a district with percentages of students in grades 30671
kindergarten through three receiving assistance under Ohio works 30672
first at least as high as the district-wide percentage of students 30673
receiving such assistance. 30674

(b) Beginning in fiscal year 2004, the school buildings in a 30675
district with percentages of students in grades kindergarten 30676
through three receiving family assistance at least as high as the 30677
district-wide percentage of students receiving family assistance. 30678

(c) If, in any fiscal year, the information provided by the 30679
department of job and family services under section 3317.10 of the 30680
Revised Code is insufficient to determine the Ohio works first or 30681
family assistance percentage in each building, "buildings with the 30682
highest concentration of need" has the meaning given in rules that 30683
the department of education shall adopt. The rules shall base the 30684
definition of "buildings with the highest concentration of need" 30685
on family income of students in grades kindergarten through three 30686

in a manner that, to the extent possible with available data, 30687
approximates the intent of this division and division (G) of this 30688
section to designate buildings where the Ohio works first or 30689
family assistance percentage in those grades equals or exceeds the 30690
district-wide Ohio works first or family assistance percentage. 30691

(B) In addition to the amounts required to be paid to a 30692
school district under section 3317.022 of the Revised Code, a 30693
school district shall receive the greater of the amount the 30694
district received in fiscal year 1998 pursuant to division (B) of 30695
section 3317.023 of the Revised Code as it existed at that time or 30696
the sum of the computations made under divisions (C) to (E) of 30697
this section. 30698

(C) A supplemental payment that may be utilized for measures 30699
related to safety and security and for remediation or similar 30700
programs, calculated as follows: 30701

(1) If the DPIA index of the school district is greater than 30702
or equal to thirty-five-hundredths, but less than one, an amount 30703
obtained by multiplying the district's DPIA student count by two 30704
hundred thirty dollars; 30705

(2) If the DPIA index of the school district is greater than 30706
or equal to one, an amount obtained by multiplying the DPIA index 30707
by two hundred thirty dollars and multiplying that product by the 30708
district's DPIA student count. 30709

Except as otherwise provided in division (F) of this section, 30710
beginning with the school year that starts July 1, 2002, each 30711
school district annually shall use at least twenty per cent of the 30712
funds calculated for the district under this division for 30713
intervention services required by section 3313.608 of the Revised 30714
Code. 30715

(D) A payment for all-day kindergarten if the DPIA index of 30716
the school district is greater than or equal to one or if the 30717

district's three-year average formula ADM exceeded seventeen 30718
thousand five hundred, calculated by multiplying the all-day 30719
kindergarten percentage by the kindergarten ADM and multiplying 30720
that product by the formula amount. 30721

(E) A class-size reduction payment based on calculating the 30722
number of new teachers necessary to achieve a lower 30723
student-teacher ratio, as follows: 30724

(1) Determine or calculate a formula number of teachers per 30725
one thousand students based on the DPIA index of the school 30726
district as follows: 30727

(a) If the DPIA index of the school district is less than 30728
six-tenths, the formula number of teachers is 43.478, which is the 30729
number of teachers per one thousand students at a student-teacher 30730
ratio of twenty-three to one; 30731

(b) If the DPIA index of the school district is greater than 30732
or equal to six-tenths, but less than two and one-half, the 30733
formula number of teachers is calculated as follows: 30734

$$43.478 + \{[(\text{DPIA index} - 0.6) / 1.9] \times 23.188\} \quad 30735$$

Where 43.478 is the number of teachers per one thousand 30736
students at a student-teacher ratio of twenty-three to one; 1.9 is 30737
the interval from a DPIA index of six-tenths to a DPIA index of 30738
two and one-half; and 23.188 is the difference in the number of 30739
teachers per one thousand students at a student-teacher ratio of 30740
fifteen to one and the number of teachers per one thousand 30741
students at a student-teacher ratio of twenty-three to one. 30742

(c) If the DPIA index of the school district is greater than 30743
or equal to two and one-half, the formula number of teachers is 30744
66.667, which is the number of teachers per one thousand students 30745
at a student-teacher ratio of fifteen to one. 30746

(2) Multiply the formula number of teachers determined or 30747
calculated in division (E)(1) of this section by the kindergarten 30748

through third grade ADM for the district and divide that product 30749
by one thousand; 30750

(3) Calculate the number of new teachers as follows: 30751

(a) Multiply the kindergarten through third grade ADM by 30752
43.478, which is the number of teachers per one thousand students 30753
at a student-teacher ratio of twenty-three to one, and divide that 30754
product by one thousand; 30755

(b) Subtract the quotient obtained in division (E)(3)(a) of 30756
this section from the product in division (E)(2) of this section. 30757

(4) Multiply the greater of the difference obtained under 30758
division (E)(3) of this section or zero by the statewide average 30759
teachers salary. 30760

(F) This division applies only to school districts whose DPIA 30761
index is one or greater. 30762

(1) Each school district subject to this division shall first 30763
utilize funds received under this section so that, when combined 30764
with other funds of the district, sufficient funds exist to 30765
provide all-day kindergarten to at least the number of children in 30766
the district's all-day kindergarten percentage. 30767

(2) Up to an amount equal to the district's DPIA index 30768
multiplied by its DPIA student count multiplied by two hundred 30769
thirty dollars of the money distributed under this section may be 30770
utilized for one or both of the following: 30771

(a) Programs designed to ensure that schools are free of 30772
drugs and violence and have a disciplined environment conducive to 30773
learning; 30774

(b) Remediation for students who have failed or are in danger 30775
of failing any of the tests administered pursuant to section 30776
3301.0710 of the Revised Code. 30777

Beginning with the school year that starts on July 1, 2002, 30778

each school district shall use at least twenty per cent of the 30779
funds set aside for the purposes of divisions (F)(2)(a) and (b) of 30780
this section to provide intervention services required by section 30781
3313.608 of the Revised Code. 30782

(3) Except as otherwise required by division (G) or permitted 30783
under division (K) of this section, all other funds distributed 30784
under this section to districts subject to this division shall be 30785
utilized for the purpose of the third grade guarantee. The third 30786
grade guarantee consists of increasing the amount of instructional 30787
attention received per pupil in kindergarten through third grade, 30788
either by reducing the ratio of students to instructional 30789
personnel or by increasing the amount of instruction and 30790
curriculum-related activities by extending the length of the 30791
school day or the school year. 30792

School districts may implement a reduction of the ratio of 30793
students to instructional personnel through any or all of the 30794
following methods: 30795

(a) Reducing the number of students in a classroom taught by 30796
a single teacher; 30797

(b) Employing full-time educational aides or educational 30798
paraprofessionals issued a permit or license under section 30799
3319.088 of the Revised Code; 30800

(c) Instituting a team-teaching method that will result in a 30801
lower student-teacher ratio in a classroom. 30802

Districts may extend the school day either by increasing the 30803
amount of time allocated for each class, increasing the number of 30804
classes provided per day, offering optional academic-related 30805
after-school programs, providing curriculum-related extra 30806
curricular activities, or establishing tutoring or remedial 30807
services for students who have demonstrated an educational need. 30808
In accordance with section 3319.089 of the Revised Code, a 30809

district extending the school day pursuant to this division may 30810
utilize a participant of the work experience program who has a 30811
child enrolled in a public school in that district and who is 30812
fulfilling the work requirements of that program by volunteering 30813
or working in that public school. If the work experience program 30814
participant is compensated, the school district may use the funds 30815
distributed under this section for all or part of the 30816
compensation. 30817

Districts may extend the school year either through adding 30818
regular days of instruction to the school calendar or by providing 30819
summer programs. 30820

(G) Each district subject to division (F) of this section 30821
shall not expend any funds received under division (E) of this 30822
section in any school buildings that are not buildings with the 30823
highest concentration of need, unless there is a ratio of 30824
instructional personnel to students of no more than fifteen to one 30825
in each kindergarten and first grade class in all buildings with 30826
the highest concentration of need. This division does not require 30827
that the funds used in buildings with the highest concentration of 30828
need be spent solely to reduce the ratio of instructional 30829
personnel to students in kindergarten and first grade. A school 30830
district may spend the funds in those buildings in any manner 30831
permitted by division (F)(3) of this section, but may not spend 30832
the money in other buildings unless the fifteen-to-one ratio 30833
required by this division is attained. 30834

(H)(1) By the first day of August of each fiscal year, each 30835
school district wishing to receive any funds under division (D) of 30836
this section shall submit to the department of education an 30837
estimate of its all-day kindergarten percentage. Each district 30838
shall update its estimate throughout the fiscal year in the form 30839
and manner required by the department, and the department shall 30840
adjust payments under this section to reflect the updates. 30841

(2) Annually by the end of December, the department of 30842
education, utilizing data from the information system established 30843
under section 3301.0714 of the Revised Code and after consultation 30844
with the legislative office of education oversight, shall 30845
determine for each school district subject to division (F) of this 30846
section whether in the preceding fiscal year the district's ratio 30847
of instructional personnel to students and its number of 30848
kindergarten students receiving all-day kindergarten appear 30849
reasonable, given the amounts of money the district received for 30850
that fiscal year pursuant to divisions (D) and (E) of this 30851
section. If the department is unable to verify from the data 30852
available that students are receiving reasonable amounts of 30853
instructional attention and all-day kindergarten, given the funds 30854
the district has received under this section and that class-size 30855
reduction funds are being used in school buildings with the 30856
highest concentration of need as required by division (G) of this 30857
section, the department shall conduct a more intensive 30858
investigation to ensure that funds have been expended as required 30859
by this section. The department shall file an annual report of its 30860
findings under this division with the chairpersons of the 30861
committees in each house of the general assembly dealing with 30862
finance and education. 30863

(I) Any school district with a DPIA index less than one and a 30864
three-year average formula ADM exceeding seventeen thousand five 30865
hundred shall first utilize funds received under this section so 30866
that, when combined with other funds of the district, sufficient 30867
funds exist to provide all-day kindergarten to at least the number 30868
of children in the district's all-day kindergarten percentage. 30869
Such a district shall expend at least seventy per cent of the 30870
remaining funds received under this section, and any other 30871
district with a DPIA index less than one shall expend at least 30872
seventy per cent of all funds received under this section, for any 30873

of the following purposes:	30874
(1) The purchase of technology for instructional purposes;	30875
(2) All-day kindergarten;	30876
(3) Reduction of class sizes;	30877
(4) Summer school remediation;	30878
(5) Dropout prevention programs;	30879
(6) Guaranteeing that all third graders are ready to progress	30880
to more advanced work;	30881
(7) Summer education and work programs;	30882
(8) Adolescent pregnancy programs;	30883
(9) Head start or preschool programs;	30884
(10) Reading improvement programs described by the department	30885
of education;	30886
(11) Programs designed to ensure that schools are free of	30887
drugs and violence and have a disciplined environment conducive to	30888
learning;	30889
(12) Furnishing, free of charge, materials used in courses of	30890
instruction, except for the necessary textbooks or electronic	30891
textbooks required to be furnished without charge pursuant to	30892
section 3329.06 of the Revised Code, to pupils living in families	30893
participating in Ohio works first in accordance with section	30894
3313.642 of the Revised Code;	30895
(13) School breakfasts provided pursuant to section 3313.813	30896
of the Revised Code.	30897
Each district shall submit to the department, in such format	30898
and at such time as the department shall specify, a report on the	30899
programs for which it expended funds under this division.	30900
(J) If at any time the superintendent of public instruction	30901

determines that a school district receiving funds under division 30902
(D) of this section has enrolled less than the all-day 30903
kindergarten percentage reported for that fiscal year, the 30904
superintendent shall withhold from the funds otherwise due the 30905
district under this section a proportional amount as determined by 30906
the difference in the certified all-day kindergarten percentage 30907
and the percentage actually enrolled in all-day kindergarten. 30908

The superintendent shall also withhold an appropriate amount 30909
of funds otherwise due a district for any other misuse of funds 30910
not in accordance with this section. 30911

(K)(1) A district may use a portion of the funds calculated 30912
for it under division (D) of this section to modify or purchase 30913
classroom space to provide all-day kindergarten, if both of the 30914
following conditions are met: 30915

(a) The district certifies to the department, in a manner 30916
acceptable to the department, that it has a shortage of space for 30917
providing all-day kindergarten. 30918

(b) The district provides all-day kindergarten to the number 30919
of children in the all-day kindergarten percentage it certified 30920
under this section. 30921

(2) A district may use a portion of the funds described in 30922
division (F)(3) of this section to modify or purchase classroom 30923
space to enable it to further reduce class size in grades 30924
kindergarten through two with a goal of attaining class sizes of 30925
fifteen students per licensed teacher. To do so, the district must 30926
certify its need for additional space to the department, in a 30927
manner satisfactory to the department. 30928

Sec. 3317.0217. The department of education shall annually 30929
compute and pay state parity aid to school districts, as follows: 30930

(A) Calculate the local wealth per pupil of each school 30931

district, which equals the following sum: 30932

(1) Two-thirds times the quotient of (a) the district's 30933
recognized valuation divided by (b) its formula ADM; plus 30934

(2) One-third times the quotient of (a) the average of the 30935
total federal adjusted gross income of the school district's 30936
residents for the three years most recently reported under section 30937
3317.021 of the Revised Code divided by (b) its formula ADM. 30938

(B) Rank all school districts in order of local wealth per 30939
pupil, from the district with the lowest local wealth per pupil to 30940
the district with the highest local wealth per pupil. 30941

(C) Compute the per pupil state parity aid funding for each 30942
school district in accordance with the following formula: 30943

Payment percentage X (threshold local wealth 30944
per pupil - the district's local 30945
wealth per pupil) X 0.0095 30946

Where: 30947

(1) "Payment percentage," for purposes of division (C) of 30948
this section, equals 20% in fiscal year 2002, 40% in fiscal year 30949
2003, ~~60%~~ 58% in fiscal year 2004, ~~80%~~ 76% in fiscal year 2005, 30950
and 100% after fiscal year 2005. 30951

(2) Nine and one-half mills (0.0095) is the general 30952
assembly's determination of the average number of effective 30953
operating mills that districts in the seventieth to ninetieth 30954
percentiles of valuations per pupil collected in fiscal year 2001 30955
above the revenues required to finance their attributed local 30956
shares of the calculated cost of an adequate education. This was 30957
determined by (a) adding the district revenues from operating 30958
property tax levies and income tax levies, (b) subtracting from 30959
that total the sum of (i) twenty-three mills times adjusted 30960
recognized valuation plus (ii) the attributed local shares of 30961
special education, transportation, and vocational education 30962

funding as described in divisions (F)(1) to (3) of section 30963
3317.022 of the Revised Code, and (c) converting the result to an 30964
effective operating property tax rate. 30965

(3) The "threshold local wealth per pupil" is the local 30966
wealth per pupil of the school district with the 30967
four-hundred-ninetieth lowest local wealth per pupil. 30968

If the result of the calculation for a school district under 30969
division (C) of this section is less than zero, the district's per 30970
pupil parity aid shall be zero. 30971

(D) Compute the per pupil alternative parity aid for each 30972
school district that has a combination of an income factor of 1.0 30973
or less, a DPIA index of 1.0 or greater, and a 30974
cost-of-doing-business factor of 1.0375 or greater, in accordance 30975
with the following formula: 30976

$$\begin{aligned} & \text{Payment percentage} \times \$60,000 \times & 30977 \\ & (1 - \text{income factor}) \times 4/15 \times 0.023 & 30978 \end{aligned}$$

Where: 30979

(1) "DPIA index" has the same meaning as in section 3317.029 30980
of the Revised Code. 30981

(2) "Payment percentage," for purposes of division (D) of 30982
this section, equals 50% in fiscal year 2002 and 100% after fiscal 30983
year 2002. 30984

(E) Pay each district that has a combination of an income 30985
factor 1.0 or less, a DPIA index of 1.0 or greater, and a 30986
cost-of-doing-business factor of 1.0375 or greater, the greater of 30987
the following: 30988

(1) The product of the district's per pupil parity aid 30989
calculated under division (C) of this section times its formula 30990
ADM; 30991

(2) The product of its per pupil alternative parity aid 30992

calculated under division (D) of this section times its formula	30993
ADM.	30994
(F) Pay every other district the product of its per pupil	30995
parity aid calculated under division (C) of this section times its	30996
formula ADM.	30997
Every six years, the general assembly shall redetermine,	30998
after considering the report of the committee appointed under	30999
section 3317.012 of the Revised Code, the average number of	31000
effective operating mills that districts in the seventieth to	31001
ninetieth percentiles of valuations per pupil collect above the	31002
revenues required to finance their attributed local shares of the	31003
cost of an adequate education.	31004
Sec. 3317.03. Notwithstanding divisions (A)(1), (B)(1), and	31005
(C) of this section, any student enrolled in kindergarten more	31006
than half time shall be reported as one-half student under this	31007
section.	31008
(A) The superintendent of each city and exempted village	31009
school district and of each educational service center shall, for	31010
the schools under the superintendent's supervision, certify to the	31011
state board of education on or before the fifteenth day of October	31012
in each year for the first full school week in October the formula	31013
ADM, which shall consist of the average daily membership during	31014
such week of the sum of the following:	31015
(1) On an FTE basis, the number of students in grades	31016
kindergarten through twelve receiving any educational services	31017
from the district, except that the following categories of	31018
students shall not be included in the determination:	31019
(a) Students enrolled in adult education classes;	31020
(b) Adjacent or other district students enrolled in the	31021
district under an open enrollment policy pursuant to section	31022

3313.98 of the Revised Code;	31023
(c) Students receiving services in the district pursuant to a compact, cooperative education agreement, or a contract, but who are entitled to attend school in another district pursuant to section 3313.64 or 3313.65 of the Revised Code;	31024 31025 31026 31027
(d) Students for whom tuition is payable pursuant to sections 3317.081 and 3323.141 of the Revised Code.	31028 31029
(2) On an FTE basis, the number of students entitled to attend school in the district pursuant to section 3313.64 or 3313.65 of the Revised Code, but receiving educational services in grades kindergarten through twelve from one or more of the following entities:	31030 31031 31032 31033 31034
(a) A community school pursuant to Chapter 3314. of the Revised Code, including any participation in a college pursuant to Chapter 3365. of the Revised Code while enrolled in such community school;	31035 31036 31037 31038
(b) An alternative school pursuant to sections 3313.974 to 3313.979 of the Revised Code as described in division (I)(2)(a) or (b) of this section;	31039 31040 31041
(c) A college pursuant to Chapter 3365. of the Revised Code, except when the student is enrolled in the college while also enrolled in a community school pursuant to Chapter 3314. of the Revised Code;	31042 31043 31044 31045
(d) An adjacent or other school district under an open enrollment policy adopted pursuant to section 3313.98 of the Revised Code;	31046 31047 31048
(e) An educational service center or cooperative education district;	31049 31050
(f) Another school district under a cooperative education agreement, compact, or contract.	31051 31052

(3) ~~One-fourth~~ Twenty per cent of the number of students 31053
enrolled in a joint vocational school district or under a 31054
vocational education compact, excluding any students entitled to 31055
attend school in the district under section 3313.64 or 3313.65 of 31056
the Revised Code who are enrolled in another school district 31057
through an open enrollment policy as reported under division 31058
(A)(2)(d) of this section and then enroll in a joint vocational 31059
school district or under a vocational education compact; 31060

(4) The number of handicapped children, other than 31061
handicapped preschool children, entitled to attend school in the 31062
district pursuant to section 3313.64 or 3313.65 of the Revised 31063
Code who are placed with a county MR/DD board, minus the number of 31064
such children placed with a county MR/DD board in fiscal year 31065
1998. If this calculation produces a negative number, the number 31066
reported under division (A)(4) of this section shall be zero. 31067

(B) To enable the department of education to obtain the data 31068
needed to complete the calculation of payments pursuant to this 31069
chapter, in addition to the formula ADM, each superintendent shall 31070
report separately the following student counts: 31071

(1) The total average daily membership in regular day classes 31072
included in the report under division (A)(1) or (2) of this 31073
section for kindergarten, and each of grades one through twelve in 31074
schools under the superintendent's supervision; 31075

(2) The number of all handicapped preschool children enrolled 31076
as of the first day of December in classes in the district that 31077
are eligible for approval ~~by the state board of education~~ under 31078
division (B) of section 3317.05 of the Revised Code and the number 31079
of those classes, which shall be reported not later than the 31080
fifteenth day of December, in accordance with rules adopted under 31081
that section; 31082

(3) The number of children entitled to attend school in the 31083

district pursuant to section 3313.64 or 3313.65 of the Revised 31084
Code who are participating in a pilot project scholarship program 31085
established under sections 3313.974 to 3313.979 of the Revised 31086
Code as described in division (I)(2)(a) or (b) of this section, 31087
are enrolled in a college under Chapter 3365. of the Revised Code, 31088
except when the student is enrolled in the college while also 31089
enrolled in a community school pursuant to Chapter 3314. of the 31090
Revised Code, are enrolled in an adjacent or other school district 31091
under section 3313.98 of the Revised Code, are enrolled in a 31092
community school established under Chapter 3314. of the Revised 31093
Code, including any participation in a college pursuant to Chapter 31094
3365. of the Revised Code while enrolled in such community school, 31095
or are participating in a program operated by a county MR/DD board 31096
or a state institution; 31097

(4) The number of pupils enrolled in joint vocational 31098
schools; 31099

(5) The average daily membership of handicapped children 31100
reported under division (A)(1) or (2) of this section receiving 31101
special education services for the category one handicap described 31102
in division (A) of section 3317.013 of the Revised Code; 31103

(6) The average daily membership of handicapped children 31104
reported under division (A)(1) or (2) of this section receiving 31105
special education services for category two handicaps described in 31106
division (B) of section 3317.013 of the Revised Code; 31107

(7) The average daily membership of handicapped children 31108
reported under division (A)(1) or (2) of this section receiving 31109
special education services for category three handicaps described 31110
in division (C) of section 3317.013 of the Revised Code; 31111

(8) The average daily membership of handicapped children 31112
reported under division (A)(1) or (2) of this section receiving 31113
special education services for category four handicaps described 31114

in division (D) of section 3317.013 of the Revised Code;	31115
(9) The average daily membership of handicapped children reported under division (A)(1) or (2) of this section receiving special education services for the category five handicap described in division (E) of section 3317.013 of the Revised Code;	31116 31117 31118 31119
(10) The average daily membership of handicapped children reported under division (A)(1) or (2) of this section receiving special education services for category six handicaps described in division (F) of section 3317.013 of the Revised Code;	31120 31121 31122 31123
(11) The average daily membership of pupils reported under division (A)(1) or (2) of this section enrolled in category one vocational education programs or classes, described in division (A) of section 3317.014 of the Revised Code, operated by the school district or by another district, other than a joint vocational school district, or by an educational service center;	31124 31125 31126 31127 31128 31129
(12) The average daily membership of pupils reported under division (A)(1) or (2) of this section enrolled in category two vocational education programs or services, described in division (B) of section 3317.014 of the Revised Code, operated by the school district or another school district, other than a joint vocational school district, or by an educational service center;	31130 31131 31132 31133 31134 31135
(13) The average number of children transported by the school district on board-owned or contractor-owned and -operated buses, reported in accordance with rules adopted by the department of education;	31136 31137 31138 31139
(14)(a) The number of children, other than handicapped preschool children, the district placed with a county MR/DD board in fiscal year 1998;	31140 31141 31142
(b) The number of handicapped children, other than handicapped preschool children, placed with a county MR/DD board in the current fiscal year to receive special education services	31143 31144 31145

for the category one handicap described in division (A) of section	31146
3317.013 of the Revised Code;	31147
(c) The number of handicapped children, other than	31148
handicapped preschool children, placed with a county MR/DD board	31149
in the current fiscal year to receive special education services	31150
for category two handicaps described in division (B) of section	31151
3317.013 of the Revised Code;	31152
(d) The number of handicapped children, other than	31153
handicapped preschool children, placed with a county MR/DD board	31154
in the current fiscal year to receive special education services	31155
for category three handicaps described in division (C) of section	31156
3317.013 of the Revised Code;	31157
(e) The number of handicapped children, other than	31158
handicapped preschool children, placed with a county MR/DD board	31159
in the current fiscal year to receive special education services	31160
for category four handicaps described in division (D) of section	31161
3317.013 of the Revised Code;	31162
(f) The number of handicapped children, other than	31163
handicapped preschool children, placed with a county MR/DD board	31164
in the current fiscal year to receive special education services	31165
for the category five handicap described in division (E) of	31166
section 3317.013 of the Revised Code;	31167
(g) The number of handicapped children, other than	31168
handicapped preschool children, placed with a county MR/DD board	31169
in the current fiscal year to receive special education services	31170
for category six handicaps described in division (F) of section	31171
3317.013 of the Revised Code.	31172
(C)(1) Except as otherwise provided in this section for	31173
kindergarten students, the average daily membership in divisions	31174
(B)(1) to (12) of this section shall be based upon the number of	31175
full-time equivalent students. The state board of education shall	31176

adopt rules defining full-time equivalent students and for 31177
determining the average daily membership therefrom for the 31178
purposes of divisions (A), (B), and (D) of this section. 31179

(2) A student enrolled in a community school established 31180
under Chapter 3314. of the Revised Code shall be counted in the 31181
formula ADM and, if applicable, the category one, two, three, 31182
four, five, or six special education ADM of the school district in 31183
which the student is entitled to attend school under section 31184
3313.64 or 3313.65 of the Revised Code for the same proportion of 31185
the school year that the student is counted in the enrollment of 31186
the community school for purposes of section 3314.08 of the 31187
Revised Code. 31188

(3) No child shall be counted as more than a total of one 31189
child in the sum of the average daily memberships of a school 31190
district under division (A), divisions (B)(1) to (12), or division 31191
(D) of this section, except as follows: 31192

(a) A child with a handicap described in section 3317.013 of 31193
the Revised Code may be counted both in formula ADM and in 31194
category one, two, three, four, five, or six special education ADM 31195
and, if applicable, in category one or two vocational education 31196
ADM. As provided in division (C) of section 3317.02 of the Revised 31197
Code, such a child shall be counted in category one, two, three, 31198
four, five, or six special education ADM in the same proportion 31199
that the child is counted in formula ADM. 31200

(b) A child enrolled in vocational education programs or 31201
classes described in section 3317.014 of the Revised Code may be 31202
counted both in formula ADM and category one or two vocational 31203
education ADM and, if applicable, in category one, two, three, 31204
four, five, or six special education ADM. Such a child shall be 31205
counted in category one or two vocational education ADM in the 31206
same proportion as the percentage of time that the child spends in 31207
the vocational education programs or classes. 31208

(4) Based on the information reported under this section, the department of education shall determine the total student count, as defined in section 3301.011 of the Revised Code, for each school district.

(D)(1) The superintendent of each joint vocational school district shall certify to the superintendent of public instruction on or before the fifteenth day of October in each year for the first full school week in October the formula ADM, which, except as otherwise provided in this division, shall consist of the average daily membership during such week, on an FTE basis, of the number of students receiving any educational services from the district, including students enrolled in a community school established under Chapter 3314. of the Revised Code who are attending the joint vocational district under an agreement between the district board of education and the governing authority of the community school and are entitled to attend school in a city, local, or exempted village school district whose territory is part of the territory of the joint vocational district.

The following categories of students shall not be included in the determination made under division (D)(1) of this section:

(a) Students enrolled in adult education classes;

(b) Adjacent or other district joint vocational students enrolled in the district under an open enrollment policy pursuant to section 3313.98 of the Revised Code;

(c) Students receiving services in the district pursuant to a compact, cooperative education agreement, or a contract, but who are entitled to attend school in a city, local, or exempted village school district whose territory is not part of the territory of the joint vocational district;

(d) Students for whom tuition is payable pursuant to sections 3317.081 and 3323.141 of the Revised Code.

(2) To enable the department of education to obtain the data	31240
needed to complete the calculation of payments pursuant to this	31241
chapter, in addition to the formula ADM, each superintendent shall	31242
report separately the average daily membership included in the	31243
report under division (D)(1) of this section for each of the	31244
following categories of students:	31245
(a) Students enrolled in each grade included in the joint	31246
vocational district schools;	31247
(b) Handicapped children receiving special education services	31248
for the category one handicap described in division (A) of section	31249
3317.013 of the Revised Code;	31250
(c) Handicapped children receiving special education services	31251
for the category two handicaps described in division (B) of	31252
section 3317.013 of the Revised Code;	31253
(d) Handicapped children receiving special education services	31254
for category three handicaps described in division (C) of section	31255
3317.013 of the Revised Code;	31256
(e) Handicapped children receiving special education services	31257
for category four handicaps described in division (D) of section	31258
3317.013 of the Revised Code;	31259
(f) Handicapped children receiving special education services	31260
for the category five handicap described in division (E) of	31261
section 3317.013 of the Revised Code;	31262
(g) Handicapped children receiving special education services	31263
for category six handicaps described in division (F) of section	31264
3317.013 of the Revised Code;	31265
(h) Students receiving category one vocational education	31266
services, described in division (A) of section 3317.014 of the	31267
Revised Code;	31268
(i) Students receiving category two vocational education	31269

services, described in division (B) of section 3317.014 of the Revised Code. 31270
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The superintendent of each joint vocational school district shall also indicate the city, local, or exempted village school district in which each joint vocational district pupil is entitled to attend school pursuant to section 3313.64 or 3313.65 of the Revised Code. 31272
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(E) In each school of each city, local, exempted village, joint vocational, and cooperative education school district there shall be maintained a record of school membership, which record shall accurately show, for each day the school is in session, the actual membership enrolled in regular day classes. For the purpose of determining average daily membership, the membership figure of any school shall not include any pupils except those pupils described by division (A) of this section. The record of membership for each school shall be maintained in such manner that no pupil shall be counted as in membership prior to the actual date of entry in the school and also in such manner that where for any cause a pupil permanently withdraws from the school that pupil shall not be counted as in membership from and after the date of such withdrawal. There shall not be included in the membership of any school any of the following: 31277
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(1) Any pupil who has graduated from the twelfth grade of a public high school; 31292
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(2) Any pupil who is not a resident of the state; 31294

(3) Any pupil who was enrolled in the schools of the district during the previous school year when tests were administered under section 3301.0711 of the Revised Code but did not take one or more of the tests required by that section and was not excused pursuant to division (C)(1) of that section; 31295
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(4) Any pupil who has attained the age of twenty-two years, 31300

except for veterans of the armed services whose attendance was 31301
interrupted before completing the recognized twelve-year course of 31302
the public schools by reason of induction or enlistment in the 31303
armed forces and who apply for reenrollment in the public school 31304
system of their residence not later than four years after 31305
termination of war or their honorable discharge. 31306

If, however, any veteran described by division (E)(4) of this 31307
section elects to enroll in special courses organized for veterans 31308
for whom tuition is paid under the provisions of federal laws, or 31309
otherwise, that veteran shall not be included in average daily 31310
membership. 31311

Notwithstanding division (E)(3) of this section, the 31312
membership of any school may include a pupil who did not take a 31313
test required by section 3301.0711 of the Revised Code if the 31314
superintendent of public instruction grants a waiver from the 31315
requirement to take the test to the specific pupil. The 31316
superintendent may grant such a waiver only for good cause in 31317
accordance with rules adopted by the state board of education. 31318

Except as provided in divisions (B)(2) and (F) of this 31319
section, the average daily membership figure of any local, city, 31320
exempted village, or joint vocational school district shall be 31321
determined by dividing the figure representing the sum of the 31322
number of pupils enrolled during each day the school of attendance 31323
is actually open for instruction during the first full school week 31324
in October by the total number of days the school was actually 31325
open for instruction during that week. For purposes of state 31326
funding, "enrolled" persons are only those pupils who are 31327
attending school, those who have attended school during the 31328
current school year and are absent for authorized reasons, and 31329
those handicapped children currently receiving home instruction. 31330

The average daily membership figure of any cooperative 31331
education school district shall be determined in accordance with 31332

rules adopted by the state board of education. 31333

(F)(1) If the formula ADM for the first full school week in 31334
February is at least three per cent greater than that certified 31335
for the first full school week in the preceding October, the 31336
superintendent of schools of any city, exempted village, or joint 31337
vocational school district or educational service center shall 31338
certify such increase to the superintendent of public instruction. 31339
Such certification shall be submitted no later than the fifteenth 31340
day of February. For the balance of the fiscal year, beginning 31341
with the February payments, the superintendent of public 31342
instruction shall use the increased formula ADM in calculating or 31343
recalculating the amounts to be allocated in accordance with 31344
section 3317.022 or 3317.16 of the Revised Code. In no event shall 31345
the superintendent use an increased membership certified to the 31346
superintendent after the fifteenth day of February. 31347

(2) If on the first school day of April the total number of 31348
classes or units for handicapped preschool children that are 31349
eligible for approval under division (B) of section 3317.05 of the 31350
Revised Code exceeds the number of units that have been approved 31351
for the year under that division, the superintendent of schools of 31352
any city, exempted village, or cooperative education school 31353
district or educational service center shall make the 31354
certifications required by this section for that day. If the ~~state~~ 31355
~~board of education~~ department determines additional units can be 31356
approved for the fiscal year within any limitations set forth in 31357
the acts appropriating moneys for the funding of such units, the 31358
~~board~~ department shall approve additional units for the fiscal 31359
year on the basis of such average daily membership. For each unit 31360
so approved, the department ~~of education~~ shall pay an amount 31361
computed in the manner prescribed in section 3317.052 or 3317.19 31362
and section 3317.053 of the Revised Code. 31363

(3) If a student attending a community school under Chapter 31364

3314. of the Revised Code is not included in the formula ADM 31365
certified for the first full school week of October for the school 31366
district in which the student is entitled to attend school under 31367
section 3313.64 or 3313.65 of the Revised Code, the department of 31368
education shall adjust the formula ADM of that school district to 31369
include the community school student in accordance with division 31370
(C)(2) of this section, and shall recalculate the school 31371
district's payments under this chapter for the entire fiscal year 31372
on the basis of that adjusted formula ADM. This requirement 31373
applies regardless of whether the student was enrolled, as defined 31374
in division (E) of this section, in the community school during 31375
the first full school week in October. 31376

(G)(1)(a) The superintendent of an institution operating a 31377
special education program pursuant to section 3323.091 of the 31378
Revised Code shall, for the programs under such superintendent's 31379
supervision, certify to the state board of education the average 31380
daily membership of all handicapped children in classes or 31381
programs approved annually by the ~~state board~~ department of 31382
education, in the manner prescribed by the superintendent of 31383
public instruction. 31384

(b) The superintendent of an institution with vocational 31385
education units approved under division (A) of section 3317.05 of 31386
the Revised Code shall, for the units under the superintendent's 31387
supervision, certify to the state board of education the average 31388
daily membership in those units, in the manner prescribed by the 31389
superintendent of public instruction. 31390

(2) The superintendent of each county MR/DD board that 31391
maintains special education classes under section 3317.20 of the 31392
Revised Code or units approved ~~by the state board of education~~ 31393
pursuant to section 3317.05 of the Revised Code shall do both of 31394
the following: 31395

(a) Certify to the state board, in the manner prescribed by 31396

the board, the average daily membership in classes under section 31397
3317.20 of the Revised Code for each school district that has 31398
placed children in the classes; 31399

(b) Certify to the state board, in the manner prescribed by 31400
the board, the number of all handicapped preschool children 31401
enrolled as of the first day of December in classes eligible for 31402
approval under division (B) of section 3317.05 of the Revised 31403
Code, and the number of those classes. 31404

(3)(a) If on the first school day of April the number of 31405
classes or units maintained for handicapped preschool children by 31406
the county MR/DD board that are eligible for approval under 31407
division (B) of section 3317.05 of the Revised Code is greater 31408
than the number of units approved for the year under that 31409
division, the superintendent shall make the certification required 31410
by this section for that day. 31411

(b) If the ~~state board~~ department determines that additional 31412
classes or units can be approved for the fiscal year within any 31413
limitations set forth in the acts appropriating moneys for the 31414
funding of the classes and units described in division (G)(3)(a) 31415
of this section, the ~~board~~ department shall approve and fund 31416
additional units for the fiscal year on the basis of such average 31417
daily membership. For each unit so approved, the department ~~of~~ 31418
~~education~~ shall pay an amount computed in the manner prescribed in 31419
sections 3317.052 and 3317.053 of the Revised Code. 31420

(H) Except as provided in division (I) of this section, when 31421
any city, local, or exempted village school district provides 31422
instruction for a nonresident pupil whose attendance is 31423
unauthorized attendance as defined in section 3327.06 of the 31424
Revised Code, that pupil's membership shall not be included in 31425
that district's membership figure used in the calculation of that 31426
district's formula ADM or included in the determination of any 31427
unit approved for the district under section 3317.05 of the 31428

Revised Code. The reporting official shall report separately the 31429
average daily membership of all pupils whose attendance in the 31430
district is unauthorized attendance, and the membership of each 31431
such pupil shall be credited to the school district in which the 31432
pupil is entitled to attend school under division (B) of section 31433
3313.64 or section 3313.65 of the Revised Code as determined by 31434
the department of education. 31435

(I)(1) A city, local, exempted village, or joint vocational 31436
school district admitting a scholarship student of a pilot project 31437
district pursuant to division (C) of section 3313.976 of the 31438
Revised Code may count such student in its average daily 31439
membership. 31440

(2) In any year for which funds are appropriated for pilot 31441
project scholarship programs, a school district implementing a 31442
state-sponsored pilot project scholarship program that year 31443
pursuant to sections 3313.974 to 3313.979 of the Revised Code may 31444
count in average daily membership: 31445

(a) All children residing in the district and utilizing a 31446
scholarship to attend kindergarten in any alternative school, as 31447
defined in section 3313.974 of the Revised Code; 31448

(b) All children who were enrolled in the district in the 31449
preceding year who are utilizing a scholarship to attend any such 31450
alternative school. 31451

(J) The superintendent of each cooperative education school 31452
district shall certify to the superintendent of public 31453
instruction, in a manner prescribed by the state board of 31454
education, the applicable average daily memberships for all 31455
students in the cooperative education district, also indicating 31456
the city, local, or exempted village district where each pupil is 31457
entitled to attend school under section 3313.64 or 3313.65 of the 31458
Revised Code. 31459

Sec. 3317.032. (A) Each city, local, exempted village, and cooperative education school district, each educational service center, each county MR/DD board, and each institution operating a special education program pursuant to section 3323.091 of the Revised Code shall, in accordance with procedures adopted by the state board of education, maintain a record of district membership of both of the following:

(1) All handicapped preschool children in units approved under division (B) of section 3317.05 of the Revised Code;

(2) All handicapped preschool children who are not in units approved ~~by the state board~~ under division (B) of section 3317.05 of the Revised Code but who are otherwise served by a special education program.

(B) The superintendent of each district, board, or institution subject to division (A) of this section shall certify to the state board of education, in accordance with procedures adopted by that board, membership figures of all handicapped preschool children whose membership is maintained under division (A)(2) of this section. The figures certified under this division shall be used in the determination of the ADM used to compute funds for educational service center governing boards under ~~division (B) of~~ section 3317.11 of the Revised Code.

Sec. 3317.05. (A) For the purpose of calculating payments under sections 3317.052 and 3317.053 of the Revised Code, the ~~state board~~ department of education shall determine for each institution, by the last day of January of each year and based on information certified under section 3317.03 of the Revised Code, the number of vocational education units or fractions of units approved by the ~~state board~~ department on the basis of standards and rules adopted by the state board of education. As used in this

division, "institution" means an institution operated by a 31490
department specified in section 3323.091 of the Revised Code and 31491
that provides vocational education programs under the supervision 31492
of the division of vocational education of the department ~~of~~ 31493
~~education~~ that meet the standards and rules for these programs, 31494
including licensure of professional staff involved in the 31495
programs, as established by the state board ~~of education~~. 31496

(B) For the purpose of calculating payments under sections 31497
3317.052, 3317.053, 3317.11, and 3317.19 of the Revised Code, the 31498
~~state board~~ department shall determine, based on information 31499
certified under section 3317.03 of the Revised Code, the following 31500
by the last day of January of each year for each educational 31501
service center, for each school district, including each 31502
cooperative education school district, for each institution 31503
eligible for payment under section 3323.091 of the Revised Code, 31504
and for each county MR/DD board: the number of classes operated by 31505
the school district, service center, institution, or county MR/DD 31506
board for handicapped preschool children, or fraction thereof, 31507
including in the case of a district or service center that is a 31508
funding agent, classes taught by a licensed teacher employed by 31509
that district or service center under section 3313.841 of the 31510
Revised Code, approved annually by the ~~state board~~ department on 31511
the basis of standards and rules adopted by the state board. 31512

(C) For the purpose of calculating payments under sections 31513
3317.052, 3317.053, 3317.11, and 3317.19 of the Revised Code, the 31514
~~state board~~ department shall determine, based on information 31515
certified under section 3317.03 of the Revised Code, the following 31516
by the last day of January of each year for each school district, 31517
including each cooperative education school district, for each 31518
institution eligible for payment under section 3323.091 of the 31519
Revised Code, and for each county MR/DD board: the number of 31520
preschool handicapped related services units for child study, 31521

occupational, physical, or speech and hearing therapy, special 31522
education supervisors, and special education coordinators approved 31523
annually by the ~~state board~~ department on the basis of standards 31524
and rules adopted by the state board. 31525

(D) For the purpose of calculating payments under sections 31526
3317.052 and 3317.053 of the Revised Code, the ~~state board~~ 31527
department shall determine, based on information certified under 31528
section 3317.03 of the Revised Code, the following by the last day 31529
of January of each year for each institution eligible for payment 31530
under section 3323.091 of the Revised Code: 31531

(1) The number of classes operated by an institution for 31532
handicapped children other than handicapped preschool children, or 31533
fraction thereof, approved annually by the ~~state board~~ department 31534
on the basis of standards and rules adopted by the state board; 31535

(2) The number of related services units for children other 31536
than handicapped preschool children for child study, occupational, 31537
physical, or speech and hearing therapy, special education 31538
supervisors, and special education coordinators approved annually 31539
by the ~~state board~~ department on the basis of standards and rules 31540
adopted by the state board. 31541

(E) All of the arithmetical calculations made under this 31542
section shall be carried to the second decimal place. The total 31543
number of units for school districts, service centers, and 31544
institutions approved annually ~~by the state board~~ under this 31545
section shall not exceed the number of units included in the ~~state~~ 31546
~~board's~~ estimate of cost for these units and appropriations made 31547
for them by the general assembly. 31548

In the case of units described in division (D)(1) of this 31549
section operated by institutions eligible for payment under 31550
section 3323.091 of the Revised Code, the ~~state board~~ department 31551
shall approve only units for persons who are under age twenty-two 31552

on the first day of the academic year, but not less than six years 31553
of age on the thirtieth day of September of that year, except that 31554
such a unit may include one or more children who are under six 31555
years of age on the thirtieth day of September if such children 31556
have been admitted to the unit pursuant to rules of the state 31557
board. In the case of handicapped preschool units described in 31558
division (B) of this section ~~operated by county MR/DD boards and~~ 31559
~~institutions eligible for payment under section 3323.091 of the~~ 31560
~~Revised Code, the state board~~ department shall approve only 31561
preschool units for children who are under age six but not less 31562
than age three on the ~~thirtieth~~ first day of ~~September~~ December of 31563
the academic year, except that such a unit may include one or more 31564
children who are under age three or are age six or over on the 31565
~~thirtieth~~ first day of ~~September~~ December, as reported under 31566
division (B)(2) or (G)(2)(b) of section 3317.03 of the Revised 31567
Code, if such children have been admitted to the unit pursuant to 31568
rules of the state board ~~of education~~. The number of units for 31569
county MR/DD boards and institutions eligible for payment under 31570
section 3323.091 of the Revised Code approved ~~by the state board~~ 31571
under this section shall not exceed the number that can be funded 31572
with appropriations made for such purposes by the general 31573
assembly. 31574

No unit shall be approved under divisions (B) to (D) of this 31575
section unless a plan has been submitted and approved under 31576
Chapter 3323. of the Revised Code. 31577

(F) The department shall approve units or fractions thereof 31578
for gifted children on the basis of standards and rules adopted by 31579
the state board. 31580

Sec. 3317.064. (A) There is hereby established in the state 31581
treasury the auxiliary services ~~mobile unit replacement and repair~~ 31582
reimbursement fund. By the thirtieth day of January of each 31583

odd-numbered year, the director of job and family services and the 31584
superintendent of public instruction shall determine the amount of 31585
any excess moneys in the auxiliary services personnel unemployment 31586
compensation fund not reasonably necessary for the purposes of 31587
section 4141.47 of the Revised Code, and shall certify such amount 31588
to the director of budget and management for transfer to the 31589
auxiliary services ~~mobile unit replacement and repair~~ 31590
reimbursement fund. If the director of job and family services and 31591
the superintendent disagree on such amount, the director of budget 31592
and management shall determine the amount to be transferred. 31593

(B) Moneys in the auxiliary services ~~mobile unit replacement~~ 31594
~~and repair~~ reimbursement fund shall be used for the relocation or 31595
for the replacement and repair of mobile units used to provide the 31596
services specified in division (E), (F), (G), or (I) of section 31597
3317.06 of the Revised Code. The state board of education shall 31598
adopt guidelines and procedures for replacement, repair, and 31599
relocation of mobile units and the procedures under which a school 31600
district may apply to receive moneys with which to repair or 31601
replace or relocate such units. 31602

(C) School districts may apply to the department for moneys 31603
from the auxiliary services ~~mobile unit replacement and repair~~ 31604
reimbursement fund for payment of incentives for early retirement 31605
and severance for school district personnel assigned to provide 31606
services authorized by section 3317.06 of the Revised Code at 31607
chartered nonpublic schools. The portion of the cost of any early 31608
retirement or severance incentive for any employee that is paid 31609
using money from the auxiliary services ~~mobile unit replacement~~ 31610
~~and repair~~ reimbursement fund shall not exceed the percentage of 31611
such employee's total service credit that the employee spent 31612
providing services to chartered nonpublic school students under 31613
section 3317.06 of the Revised Code. 31614

Sec. 3317.07. The state board of education shall establish 31615
rules for the purpose of distributing subsidies for the purchase 31616
of school buses under division (E) of section 3317.024 of the 31617
Revised Code. 31618

No school bus subsidy payments shall be paid to any district 31619
unless such district can demonstrate that pupils residing more 31620
than one mile from the school could not be transported without 31621
such additional aid. 31622

The amount paid to a county MR/DD board for buses purchased 31623
for transportation of children in special education programs 31624
operated by the board shall be one hundred per cent of the board's 31625
net cost. 31626

The amount paid to a school district for buses purchased for 31627
transportation of handicapped and nonpublic school pupils shall be 31628
one hundred per cent of the school district's net cost. 31629

The state board of education shall adopt a formula to 31630
determine the amount of payments that shall be distributed to 31631
school districts to purchase school buses for pupils other than 31632
handicapped or nonpublic school pupils. 31633

If any district or MR/DD board obtains bus services for pupil 31634
transportation pursuant to a contract, such district or board may 31635
use payments received under this section to defray the costs of 31636
contracting for bus services in lieu of for purchasing buses. 31637

If the department of education determines that a county MR/DD 31638
board no longer needs a school bus because the board no longer 31639
transports children to a special education program operated by the 31640
board, or if the department determines that a school district no 31641
longer needs a school bus to transport pupils to a nonpublic 31642
school or special education program, the department may reassign a 31643
bus that was funded with payments provided pursuant to this 31644

section for the purpose of transporting such pupils. The 31645
department may reassign a bus to a county MR/DD board or school 31646
district that transports children to a special education program 31647
designated in the children's individualized education plans, or to 31648
a school district that transports pupils to a nonpublic school, 31649
and needs an additional school bus. 31650

Sec. 3317.09. All moneys distributed to a school district, 31651
including any cooperative education or joint vocational school 31652
district and all moneys distributed to any educational service 31653
center, by the state whether from a state or federal source, shall 31654
be accounted for by the division of school finance of the 31655
department of education. All moneys distributed shall be coded as 31656
to county, school district or educational service center, source, 31657
and other pertinent information, and at the end of each month, a 31658
report of such distribution shall be made by such division of 31659
school finance to the clerk of the senate and the chief 31660
administrative officer of the house of representatives, to the 31661
Ohio legislative service commission to be available for 31662
examination by any member of either house, to each school district 31663
and educational service center, and to the governor. 31664

On or before the first day of September in each year, a copy 31665
of the annual statistical report required in ~~sections~~ section 31666
3319.33 ~~and 3319.34~~ of the Revised Code shall be filed by the 31667
state board of education with the clerk of the senate and the 31668
chief administrative officer of the house of representatives, the 31669
Ohio legislative service commission, the governor, and the auditor 31670
of state. The report shall contain an analysis for the prior 31671
fiscal year on an accrual basis of revenue receipts from all 31672
sources and expenditures for all purposes for each school district 31673
~~and each educational service center~~, including each joint 31674
vocational and cooperative education school district, in the 31675
state. If any board of education ~~or any educational service center~~ 31676

~~governing board~~ fails to make the report required in ~~sections~~ 31677
section 3319.33 ~~and 3319.34~~ of the Revised Code, the 31678
superintendent of public instruction shall be without authority to 31679
distribute funds to that school district or educational service 31680
center pursuant to sections 3317.022 to 3317.0212, 3317.11, 31681
3317.16, 3317.17, or 3317.19 of the Revised Code until such time 31682
as the required reports are filed with all specified officers, 31683
boards, or agencies. 31684

Sec. 3317.10. (A) On or before the first day of March of each 31685
year, the department of job and family services shall certify to 31686
the state board of education the unduplicated number of children 31687
ages five through seventeen residing in each school district and 31688
living in a family that, during the preceding October, had family 31689
income not exceeding the federal poverty guidelines as defined in 31690
section 5101.46 of the Revised Code and participated in one of the 31691
following: 31692

(1) Ohio works first; 31693

(2) The food stamp program; 31694

(3) The medical assistance program, including the healthy 31695
start program, established under Chapter 5111. of the Revised 31696
Code; 31697

(4) The children's health insurance program part I 31698
established under section 5101.50 of the Revised Code; 31699

(5) The disability financial assistance program established 31700
under Chapter 5115. of the Revised Code; 31701

(6) The disability medical assistance program established 31702
under Chapter 5115. of the Revised Code. 31703

The department of job and family services shall certify this 31704
information according to the school district of residence for each 31705
child. Except as provided under division (B) of this section, the 31706

number of children so certified in any year shall be used by the 31707
department of education in calculating the distribution of moneys 31708
for the ensuing fiscal year as provided in section 3317.029 of the 31709
Revised Code. 31710

(B) Upon the transfer of part of the territory of one school 31711
district to the territory of one or more other school districts, 31712
the department of education may adjust the number of children 31713
certified under division (A) of this section for any district 31714
gaining or losing territory in such a transfer in order to take 31715
into account the effect of the transfer on the number of such 31716
children who reside in the district. Within sixty days of receipt 31717
of a request for information from the department of education, the 31718
department of job and family services shall provide any 31719
information the department of education determines is necessary to 31720
make such adjustments. The department of education may use the 31721
adjusted number for any district for the applicable fiscal year, 31722
in lieu of the number certified for the district for that fiscal 31723
year under division (A) of this section, in the calculation of the 31724
distribution of moneys provided in section 3317.029 of the Revised 31725
Code. 31726

Sec. 3317.11. (A) As used in this section: 31727

(1) "Client school district" means a city or exempted village 31728
school district that has entered into an agreement under section 31729
3313.843 of the Revised Code to receive any services from an 31730
educational service center. 31731

(2) "Service center ADM" means the sum of the total student 31732
counts of all local school districts within an educational service 31733
center's territory and all of the service center's client school 31734
districts. 31735

(3) "Total student count" has the same meaning as in section 31736
3301.011 of the Revised Code. 31737

(B)(1) The governing board of each educational service center shall provide supervisory services to each local school district within the service center's territory. Each city or exempted village school district that enters into an agreement under section 3313.843 of the Revised Code for a governing board to provide any services also is considered to be provided supervisory services by the governing board. Except as provided in division (B)(2) of this section, the supervisory services shall not exceed one supervisory teacher for the first fifty classroom teachers required to be employed in the districts, as calculated under section 3317.023 of the Revised Code, and one for each additional one hundred required classroom teachers, as so calculated.

The supervisory services shall be financed annually through supervisory units. Except as provided in division (B)(2) of this section, the number of supervisory units assigned to each district shall not exceed one unit for the first fifty classroom teachers required to be employed in the district, as calculated under section 3317.023 of the Revised Code, and one for each additional one hundred required classroom teachers, as so calculated. The cost of each supervisory unit shall be the sum of:

(a) The minimum salary prescribed by section 3317.13 of the Revised Code for the licensed supervisory employee of the governing board;

(b) An amount equal to fifteen per cent of the salary prescribed by section 3317.13 of the Revised Code;

(c) An allowance for necessary travel expenses, limited to the lesser of two hundred twenty-three dollars and sixteen cents per month or two thousand six hundred seventy-eight dollars per year.

(2) If a majority of the boards of education, or superintendents acting on behalf of the boards, of the local and

client school districts receiving services from the educational 31769
service center agree to receive additional supervisory services 31770
and to pay the cost of a corresponding number of supervisory units 31771
in excess of the services and units specified in division (B)(1) 31772
of this section, the service center shall provide the additional 31773
services as agreed to by the majority of districts to, and the 31774
department of education shall apportion the cost of the 31775
corresponding number of additional supervisory units pursuant to 31776
division (B)(3) of this section among, all of the service center's 31777
local and client school districts. 31778

(3) The department shall apportion the total cost for all 31779
supervisory units among the service center's local and client 31780
school districts based on each district's total student count. The 31781
department shall deduct each district's apportioned share pursuant 31782
to division (E) of section 3317.023 of the Revised Code and pay 31783
the apportioned share to the service center. 31784

(C) The department annually shall deduct from each local and 31785
client school district of each educational service center, 31786
pursuant to division (E) of section 3317.023 of the Revised Code, 31787
and pay to the service center an amount equal to six dollars and 31788
fifty cents times the school district's total student count. The 31789
board of education, or the superintendent acting on behalf of the 31790
board, of any local or client school district may agree to pay an 31791
amount in excess of six dollars and fifty cents per student in 31792
total student count. If a majority of the boards of education, or 31793
superintendents acting on behalf of the boards, of the local 31794
school districts within a service center's territory approve an 31795
amount in excess of six dollars and fifty cents per student in 31796
total student count, the department shall deduct the approved 31797
excess per student amount from all of the local school districts 31798
within the service center's territory and pay the excess amount to 31799
the service center. 31800

(D) The department shall pay each educational service center the amounts due to it from school districts pursuant to contracts, compacts, or agreements under which the service center furnishes services to the districts or their students. In order to receive payment under this division, an educational service center shall furnish either a copy of the contract, compact, or agreement clearly indicating the amounts of the payments, or a written statement that clearly indicates the payments owed and is signed by the superintendent or treasurer of the responsible school district. The amounts paid to service centers under this division shall be deducted from payments to school districts pursuant to division (K)(3) of section 3317.023 of the Revised Code. 31801
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(E) Each school district's deduction under this section and divisions (E) and (K)(3) of section 3317.023 of the Revised Code shall be made from the total payment computed for the district under this chapter, after making any other adjustments in that payment required by law. 31813
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(F)(1) Except as provided in division (F)(2) of this section, the department annually shall pay the governing board of each educational service center state funds equal to thirty-seven dollars times its service center ADM. 31818
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(2) The department annually shall pay state funds equal to forty dollars and fifty-two cents times the service center ADM to each educational service center comprising territory that was included in the territory of at least three former service centers or county school districts, which former centers or districts engaged in one or more mergers under section 3311.053 of the Revised Code to form the present center. 31822
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(G) Each city, exempted village, local, joint vocational, or cooperative education school district shall pay to the governing board of an educational service center any amounts agreed to for 31829
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each child enrolled in the district who receives special education and related services or career-technical education from the educational service center, unless these educational services are provided pursuant to a contract, compact, or agreement for which the department deducts and transfers payments under division (D) of this section and division (K)(3) of section 3317.023 of the Revised Code.

(H) An educational service center:

(1) May provide special education and career-technical education to students in its local or client school districts;

(2) Is eligible for transportation funding under division (J) of section 3317.024 of the Revised Code and for state subsidies for the purchase of school buses under section 3317.07 of the Revised Code;

(3) May apply for and receive gifted education units and provide gifted education services to students in its local or client school districts;

(4) May conduct driver education for high school students in accordance with Chapter 4508. of the Revised Code.

Sec. 3317.16. (A) As used in this section:

(1) "State share percentage" means the percentage calculated for a joint vocational school district as follows:

(a) Calculate the state base cost funding amount for the district under division (B) of this section. If the district would not receive any base cost funding for that year under that division, the district's state share percentage is zero.

(b) If the district would receive base cost funding under that division, divide that base cost amount by an amount equal to the following:

cost-of-doing-business factor X

the formula amount X 31862
~~the greater of formula ADM or~~ 31863
~~three year average~~ formula ADM 31864

The resultant number is the district's state share 31865
percentage. 31866

(2) The "total special education weight" for a joint 31867
vocational school district shall be calculated in the same manner 31868
as prescribed in division (B)(1) of section 3317.022 of the 31869
Revised Code. 31870

(3) The "total vocational education weight" for a joint 31871
vocational school district shall be calculated in the same manner 31872
as prescribed in division (B)(4) of section 3317.022 of the 31873
Revised Code. 31874

(4) The "total recognized valuation" of a joint vocational 31875
school district shall be determined by adding the recognized 31876
valuations of all its constituent school districts for the 31877
applicable fiscal year. 31878

(5) "Resident district" means the city, local, or exempted 31879
village school district in which a student is entitled to attend 31880
school under section 3313.64 or 3313.65 of the Revised Code. 31881

(6) "Community school" means a community school established 31882
under Chapter 3314. of the Revised Code. 31883

(B) The department of education shall compute and distribute 31884
state base cost funding to each joint vocational school district 31885
for the fiscal year in accordance with the following formula: 31886

(cost-of-doing-business factor X 31887
formula amount X ~~the greater of formula~~ 31888
~~ADM or three year average~~ formula ADM) - 31889
(.0005 X total recognized valuation) 31890

If the difference obtained under this division is a negative 31891

number, the district's computation shall be zero. 31892

(C)(1) The department shall compute and distribute state 31893
vocational education additional weighted costs funds to each joint 31894
vocational school district in accordance with the following 31895
formula: 31896

state share percentage X formula amount X 31897

total vocational education weight 31898

In each fiscal year, a joint vocational school district 31899
receiving funds under division (C)(1) of this section shall spend 31900
those funds only for the purposes the department designates as 31901
approved for vocational education expenses. Vocational educational 31902
expenses approved by the department shall include only expenses 31903
connected to the delivery of career-technical programming to 31904
career-technical students. The department shall require the joint 31905
vocational school district to report data annually so that the 31906
department may monitor the district's compliance with the 31907
requirements regarding the manner in which funding received under 31908
division (C)(1) of this section may be spent. 31909

(2) The department shall compute for each joint vocational 31910
school district state funds for vocational education associated 31911
services costs in accordance with the following formula: 31912

state share percentage X .05 X 31913

the formula amount X the sum of 31914

categories one and two vocational 31915

education ADM 31916

In any fiscal year, a joint vocational school district 31917
receiving funds under division (C)(2) of this section, or through 31918
a transfer of funds pursuant to division (L) of section 3317.023 31919
of the Revised Code, shall spend those funds only for the purposes 31920
that the department designates as approved for vocational 31921
education associated services expenses, which may include such 31922
purposes as apprenticeship coordinators, coordinators for other 31923

vocational education services, vocational evaluation, and other 31924
purposes designated by the department. The department may deny 31925
payment under division (C)(2) of this section to any district that 31926
the department determines is not operating those services or is 31927
using funds paid under division (C)(2) of this section, or through 31928
a transfer of funds pursuant to division (L) of section 3317.023 31929
of the Revised Code, for other purposes. 31930

(D)(1) The department shall compute and distribute state 31931
special education and related services additional weighted costs 31932
funds to each joint vocational school district in accordance with 31933
the following formula: 31934

state share percentage X formula amount X 31935
total special education weight 31936

(2)(a) As used in this division, the "personnel allowance" 31937
means thirty thousand dollars in fiscal years 2002 ~~and~~ 2003, 31938
2004, and 2005. 31939

(b) For the provision of speech language pathology services 31940
to students, including students who do not have individualized 31941
education programs prepared for them under Chapter 3323. of the 31942
Revised Code, and for no other purpose, the department shall pay 31943
each joint vocational school district an amount calculated under 31944
the following formula: 31945

(formula ADM divided by 2000) X the personnel 31946
allowance X state share percentage 31947

(3) In any fiscal year, a joint vocational school district 31948
shall spend for purposes that the department designates as 31949
approved for special education and related services expenses at 31950
least the amount calculated as follows: 31951

(cost-of-doing-business factor X formula amount 31952
X the sum of categories one through 31953
six special education ADM) + 31954
(total special education weight X 31955

formula amount) 31956

The purposes approved by the department for special education 31957
expenses shall include, but shall not be limited to, compliance 31958
with state rules governing the education of handicapped children, 31959
providing services identified in a student's individualized 31960
education program as defined in section 3323.01 of the Revised 31961
Code, provision of speech language pathology services, and the 31962
portion of the district's overall administrative and overhead 31963
costs that are attributable to the district's special education 31964
student population. 31965

The department shall require joint vocational school 31966
districts to report data annually to allow for monitoring 31967
compliance with division (D)(3) of this section. The department 31968
shall annually report to the governor and the general assembly the 31969
amount of money spent by each joint vocational school district for 31970
special education and related services. 31971

(4) In any fiscal year, a joint vocational school district 31972
shall spend for the provision of speech language pathology 31973
services not less than the sum of the amount calculated under 31974
division (D)(1) of this section for the students in the district's 31975
category one special education ADM and the amount calculated under 31976
division (D)(2) of this section. 31977

(E)(2)(1) If a joint vocational school district's costs for a 31978
fiscal year for a student in its categories ~~one~~ two through six 31979
special education ADM exceed the threshold catastrophic cost for 31980
servicing the student, as specified in division (C)(3)(b) of section 31981
3317.022 of the Revised Code, the district may submit to the 31982
superintendent of public instruction documentation, as prescribed 31983
by the superintendent, of all of its costs for that student. Upon 31984
submission of documentation for a student of the type and in the 31985
manner prescribed, the department shall pay to the district an 31986
amount equal to the sum of the following: 31987

(a) One-half of the district's costs for the student in excess of the threshold catastrophic cost;	31988 31989
(b) The product of one-half of the district's costs for the student in excess of the threshold catastrophic cost multiplied by the district's state share percentage.	31990 31991 31992
(2) The district shall only report under division (E)(1) of this section, and the department shall only pay for, the costs of educational expenses and the related services provided to the student in accordance with the student's individualized education program. Any legal fees, court costs, or other costs associated with any cause of action relating to the student may not be included in the amount.	31993 31994 31995 31996 31997 31998 31999
(F) Each fiscal year, the department shall pay each joint vocational school district an amount for adult technical and vocational education and specialized consultants.	32000 32001 32002
(G)(1) A joint vocational school district's local share of special education and related services additional weighted costs equals:	32003 32004 32005
(1 - state share percentage) X	32006
Total special education weight X	32007
the formula amount	32008
<u>(2) For each handicapped student receiving special education and related services under an individualized education program, as defined in section 3323.01 of the Revised Code, at a joint vocational district, the resident district or, if the student is enrolled in a community school, the community school shall be responsible for the amount of any costs of providing those special education and related services to that student that exceed the sum of the amount calculated for those services attributable to that student under divisions (B), (D), (E), and (G)(1) of this section.</u>	32009 32010 32011 32012 32013 32014 32015 32016 32017
<u>Those excess costs shall be calculated by subtracting the sum</u>	32018

<u>of the following from the actual cost to provide special education</u>	32019
<u>and related services to the student:</u>	32020
<u>(a) The product of the formula amount times the</u>	32021
<u>cost-of-doing-business factor;</u>	32022
<u>(b) The product of the formula amount times the applicable</u>	32023
<u>multiple specified in section 3317.013 of the Revised Code;</u>	32024
<u>(c) Any funds paid under division (E) of this section for the</u>	32025
<u>student;</u>	32026
<u>(d) Any other funds received by the joint vocational school</u>	32027
<u>district under this chapter to provide special education and</u>	32028
<u>related services to the student, not including the amount</u>	32029
<u>calculated under division (G)(2) of this section.</u>	32030
<u>(3) The board of education of the joint vocational school</u>	32031
<u>district shall report the excess costs calculated under division</u>	32032
<u>(G)(2) of this section to the department of education.</u>	32033
<u>(4) The department shall pay the amount of excess cost</u>	32034
<u>calculated under division (G)(2) of this section to the joint</u>	32035
<u>vocational school district and shall deduct that amount as</u>	32036
<u>provided in division (G)(4)(a) or (b) of this section, as</u>	32037
<u>applicable:</u>	32038
<u>(a) If the student is not enrolled in a community school, the</u>	32039
<u>department shall deduct the amount from the account of the</u>	32040
<u>student's resident district pursuant to division (M) of section</u>	32041
<u>3317.023 of the Revised Code.</u>	32042
<u>(b) If the student is enrolled in a community school, the</u>	32043
<u>department shall deduct the amount from the account of the</u>	32044
<u>community school pursuant to section 3314.083 of the Revised Code.</u>	32045
(H) In any fiscal year, if the total of all payments made to	32046
a joint vocational school district under divisions (B) to (D) of	32047
this section and division (R) of section 3317.024 of the Revised	32048

Code is less than the amount that district received in fiscal year 32049
1999 under the version of this section in effect that year, plus 32050
the amount that district received under the version of section 32051
3317.162 of the Revised Code in effect that year and minus the 32052
amounts received that year for driver education and adult 32053
education, the department shall pay the district an additional 32054
amount equal to the difference between those two amounts. 32055

Sec. 3318.01. As used in sections 3318.01 to 3318.20 of the 32056
Revised Code: 32057

(A) "Ohio school facilities commission" means the commission 32058
created pursuant to section 3318.30 of the Revised Code. 32059

(B) "Classroom facilities" means rooms in which pupils 32060
regularly assemble in public school buildings to receive 32061
instruction and education and such facilities and building 32062
improvements for the operation and use of such rooms as may be 32063
needed in order to provide a complete educational program, and may 32064
include space within which a child day-care facility or a 32065
community resource center is housed. "Classroom facilities" 32066
includes any space necessary for the operation of a vocational 32067
education program for secondary students in any school district 32068
that operates such a program. 32069

(C) "Project" means a project to construct or acquire 32070
classroom facilities, or to reconstruct or make additions to 32071
existing classroom facilities, to be used for housing the 32072
applicable school district and its functions. 32073

(D) "School district" means a local, exempted village, or 32074
city school district as such districts are defined in Chapter 32075
3311. of the Revised Code, acting as an agency of state 32076
government, performing essential governmental functions of state 32077
government pursuant to sections 3318.01 and 3318.20 of the Revised 32078
Code. 32079

For purposes of assistance provided under sections 3318.40 to 32080
3318.45 of the Revised Code, the term "school district" as used in 32081
this section and in divisions (A), (C), and (D) of section 3318.03 32082
and in sections 3318.031, ~~3318.033~~, 3318.042, 3318.07, 3318.08, 32083
3318.083, 3318.084, 3318.085, 3318.086, 3318.10, 3318.11, 3318.12, 32084
3318.13, 3318.14, 3318.15, 3318.16, 3318.19, and 3318.20 of the 32085
Revised Code means a joint vocational school district established 32086
pursuant to section 3311.18 of the Revised Code. 32087

(E) "School district board" means the board of education of a 32088
school district. 32089

(F) "Net bonded indebtedness" means the difference between 32090
the sum of the par value of all outstanding and unpaid bonds and 32091
notes which a school district board is obligated to pay, any 32092
amounts the school district is obligated to pay under 32093
lease-purchase agreements entered into under section 3313.375 of 32094
the Revised Code, and the par value of bonds authorized by the 32095
electors but not yet issued, the proceeds of which can lawfully be 32096
used for the project, and the amount held in the sinking fund and 32097
other indebtedness retirement funds for their redemption. Notes 32098
issued for school buses in accordance with section 3327.08 of the 32099
Revised Code, notes issued in anticipation of the collection of 32100
current revenues, and bonds issued to pay final judgments shall 32101
not be considered in calculating the net bonded indebtedness. 32102

"Net bonded indebtedness" does not include indebtedness 32103
arising from the acquisition of land to provide a site for 32104
classroom facilities constructed, acquired, or added to pursuant 32105
to sections 3318.01 to 3318.20 of the Revised Code. 32106

(G) "Board of elections" means the board of elections of the 32107
county containing the most populous portion of the school 32108
district. 32109

(H) "County auditor" means the auditor of the county in which 32110

the greatest value of taxable property of such school district is 32111
located. 32112

(I) "Tax duplicates" means the general tax lists and 32113
duplicates prescribed by sections 319.28 and 319.29 of the Revised 32114
Code. 32115

(J) "Required level of indebtedness" means: 32116

(1) In the case of districts in the first percentile, five 32117
per cent of the district's valuation for the year preceding the 32118
year in which the controlling board approved the project under 32119
section 3318.04 of the Revised Code. 32120

(2) In the case of districts ranked in a subsequent 32121
percentile, five per cent of the district's valuation for the year 32122
preceding the year in which the controlling board approved the 32123
project under section 3318.04 of the Revised Code, plus [two 32124
one-hundredths of one per cent multiplied by (the percentile in 32125
which the district ranks for the fiscal year preceding the fiscal 32126
year in which the controlling board approved the district's 32127
project minus one)]. 32128

(K) "Required percentage of the basic project costs" means 32129
one per cent of the basic project costs times the percentile in 32130
which the district ranks for the fiscal year preceding the fiscal 32131
year in which the controlling board approved the district's 32132
project. 32133

(L) "Basic project cost" means a cost amount determined in 32134
accordance with rules adopted under section 111.15 of the Revised 32135
Code by the Ohio school facilities commission. The basic project 32136
cost calculation shall take into consideration the square footage 32137
and cost per square foot necessary for the grade levels to be 32138
housed in the classroom facilities, the variation across the state 32139
in construction and related costs, the cost of the installation of 32140
site utilities and site preparation, the cost of demolition of all 32141

or part of any existing classroom facilities that are abandoned 32142
under the project, the cost of insuring the project until it is 32143
completed, any contingency reserve amount prescribed by the 32144
commission under section 3318.086 of the Revised Code, and the 32145
professional planning, administration, and design fees that a 32146
district may have to pay to undertake a classroom facilities 32147
project. 32148

For a joint vocational school district that receives 32149
assistance under sections 3318.40 to 3318.45 of the Revised Code, 32150
the basic project cost calculation for a project under those 32151
sections shall also take into account the types of laboratory 32152
spaces and program square footages needed for the vocational 32153
education programs for high school students offered by the school 32154
district. 32155

~~"Basic project cost" also includes the value of classroom 32156
facilities authorized in a pre-existing bond issue as described in 32157
section 3318.033 of the Revised Code. 32158~~

(M)(1) Except for a joint vocational school district that 32159
receives assistance under sections 3318.40 to 3318.45 of the 32160
Revised Code, a "school district's portion of the basic project 32161
cost" means the amount determined under section 3318.032 of the 32162
Revised Code. 32163

(2) For a joint vocational school district that receives 32164
assistance under sections 3318.40 to 3318.45 of the Revised Code, 32165
a "school district's portion of the basic project cost" means the 32166
amount determined under division (C) of section 3318.42 of the 32167
Revised Code. 32168

(N) "Child day-care facility" means space within a classroom 32169
facility in which the needs of infants, toddlers, preschool 32170
children, and school children are provided for by persons other 32171
than the parent or guardian of such children for any part of the 32172

day, including persons not employed by the school district 32173
operating such classroom facility. 32174

(O) "Community resource center" means space within a 32175
classroom facility in which comprehensive services that support 32176
the needs of families and children are provided by community-based 32177
social service providers. 32178

(P) "Valuation" means the total value of all property in the 32179
district as listed and assessed for taxation on the tax 32180
duplicates. 32181

(Q) "Percentile" means the percentile in which the district 32182
is ranked pursuant to division (D) of section 3318.011 of the 32183
Revised Code. 32184

(R) "Installation of site utilities" means the installation 32185
of a site domestic water system, site fire protection system, site 32186
gas distribution system, site sanitary system, site storm drainage 32187
system, and site telephone and data system. 32188

(S) "Site preparation" means the earthwork necessary for 32189
preparation of the building foundation system, the paved 32190
pedestrian and vehicular circulation system, playgrounds on the 32191
project site, and lawn and planting on the project site. 32192

Sec. 3318.024. In the first year of a capital biennium, any 32193
funds appropriated to the Ohio school facilities commission for 32194
classroom facilities projects under this chapter in the previous 32195
capital biennium that were not spent or encumbered, or for which 32196
an encumbrance has been canceled under section 3318.05 of the 32197
Revised Code, shall be used by the commission only for projects 32198
under sections 3318.01 to 3318.20 of the Revised Code, subject to 32199
appropriation by the general assembly. 32200

In the second year of a capital biennium, any funds 32201
appropriated to the Ohio school facilities commission for 32202

classroom facilities projects under this chapter that were not 32203
spent or encumbered in the first year of the biennium and which 32204
are in excess of an amount equal to half of the appropriations for 32205
the capital biennium, or for which an encumbrance has been 32206
canceled under section 3318.05 of the Revised Code, shall be used 32207
by the commission only for projects under sections 3318.01 to 32208
3318.20 of the Revised Code, subject to appropriation by the 32209
general assembly. 32210

Sec. 3318.03. (A) Before conducting an on-site evaluation of 32211
a school district under section 3318.02 of the Revised Code, at 32212
the request of the district board of education, the Ohio school 32213
facilities commission shall examine any classroom facilities needs 32214
assessment that has been conducted by the district and any master 32215
plan developed for meeting the facility needs of the district. 32216

(B) Upon conducting the on-site evaluation under section 32217
3318.02 of the Revised Code, the Ohio school facilities commission 32218
shall make a determination of all of the following: 32219

(1) The needs of the school district for additional classroom 32220
facilities; 32221

(2) The number of classroom facilities to be included in a 32222
project, ~~including classroom facilities authorized by a bond issue~~ 32223
~~described in section 3318.033 of the Revised Code,~~ and the basic 32224
project cost of constructing, acquiring, reconstructing, or making 32225
additions to each such facility; 32226

(3) The amount of such cost that the school district can 32227
supply from available funds, by the issuance of bonds previously 32228
authorized by the electors of the school district the proceeds of 32229
which can lawfully be used for the project, ~~including bonds~~ 32230
~~authorized by the district's electors as described in section~~ 32231
~~3318.033 of the Revised Code,~~ and by the issuance of bonds under 32232
section 3318.05 of the Revised Code; 32233

(4) The remaining amount of such cost that shall be supplied 32234
by the state; 32235

(5) The amount of the state's portion to be encumbered in 32236
accordance with section 3318.11 of the Revised Code in the current 32237
and subsequent fiscal bienniums from funds appropriated for 32238
purposes of sections 3318.01 to 3318.20 of the Revised Code. 32239

(C) The commission shall make a determination in favor of 32240
constructing, acquiring, reconstructing, or making additions to a 32241
classroom facility only upon evidence that the proposed project 32242
conforms to sound educational practice, that it is in keeping with 32243
the orderly process of school district reorganization and 32244
consolidation, and that the actual or projected enrollment in each 32245
classroom facility proposed to be included in the project is at 32246
least three hundred fifty pupils. Exceptions shall be authorized 32247
only in those districts where topography, sparsity of population, 32248
and other factors make larger schools impracticable. 32249

If the school district board determines that an existing 32250
facility has historical value or for other good cause determines 32251
that an existing facility should be renovated in lieu of acquiring 32252
a comparable facility by new construction, the commission may 32253
approve the expenditure of project funds for the renovation of 32254
that facility up to but not exceeding one hundred per cent of the 32255
estimated cost of acquiring a comparable facility by new 32256
construction, as long as the commission determines that the 32257
facility when renovated can be operationally efficient, will be 32258
adequate for the future needs of the district, and will comply 32259
with the other provisions of this division. 32260

(D) Sections 125.81 and 153.04 of the Revised Code shall not 32261
apply to classroom facilities constructed under either sections 32262
3318.01 to 3318.20 or sections 3318.40 to 3318.45 of the Revised 32263
Code. 32264

Sec. 3318.042. (A) The board of education of any school 32265
district that is receiving assistance under sections 3318.01 to 32266
3318.20 of the Revised Code after May 20, 1997, or under sections 32267
3318.40 to 3318.45 of the Revised Code, and whose project is still 32268
under construction, may request that the Ohio school facilities 32269
commission examine whether the circumstances prescribed in either 32270
division (B)(1) or (2) of this section exist in the school 32271
district. If the commission so finds, the commission shall review 32272
the school district's original assessment and approved project and 32273
consider providing additional assistance to the school district to 32274
correct the prescribed conditions found to exist in the district. 32275
Additional assistance under this section shall be limited to 32276
additions to one or more buildings, remodeling of one or more 32277
buildings, or changes to the infrastructure of one or more 32278
buildings. 32279

(B) Consideration of additional assistance to a school 32280
district under this section is warranted in either of the 32281
following circumstances: 32282

(1) Additional work is needed to correct an oversight or 32283
deficiency not identified or included in the district's initial 32284
assessment. 32285

(2) Other conditions exist that, in the opinion of the 32286
commission, warrant additions or remodeling of the project 32287
facilities or changes to infrastructure associated with the 32288
district's project that were not identified in the initial 32289
assessment and plan. 32290

(C) If the commission decides in favor of providing 32291
additional assistance to any school district under this section, 32292
the school district shall be responsible for paying for its 32293
portion of the cost of the additions, remodeling, or 32294
infrastructure changes pursuant to section 3318.083 of the Revised 32295

Code. If, after making a financial evaluation of the school 32296
district, the commission determines that the school district is 32297
unable without undue hardship, according to the guidelines adopted 32298
by the commission, to fund the school district portion of the 32299
increase, then the state and the school district shall enter into 32300
an agreement whereby the state shall pay the portion of the cost 32301
increase attributable to the school district which is determined 32302
to be in excess of any local resources available to the district 32303
and the district shall thereafter reimburse the state. The 32304
commission shall establish the district's schedule for reimbursing 32305
the state, which shall not extend beyond five ten years. The 32306
commission may lengthen the reimbursement schedule of a school 32307
district that has entered into an agreement under this section 32308
prior to the effective date of this amendment as long as the total 32309
term of that schedule does not extend beyond ten years. Debt 32310
incurred under this section shall not be included in the 32311
calculation of the net indebtedness of the school district under 32312
section 133.06 of the Revised Code. 32313

Sec. 3318.05. The conditional approval of the Ohio school 32314
facilities commission for a project shall lapse and the amount 32315
reserved and encumbered for such project shall be released unless 32316
the school district board accepts such conditional approval within 32317
one hundred twenty days following the date of certification of the 32318
conditional approval to the school district board and the electors 32319
of the school district vote favorably on both of the propositions 32320
described in divisions (A) and (B) of this section within one year 32321
of the date of such certification, except that a school district 32322
described in division (C) of this section does not need to submit 32323
the proposition described in division (B) of this section. The 32324
propositions described in divisions (A) and (B) of this section 32325
shall be combined in a single proposal. If the district board or 32326
the district's electors fail to meet such requirements and the 32327

amount reserved and encumbered for the district's project is 32328
released, the district shall be given first priority for project 32329
funding as such funds become available. 32330

(A) On the question of issuing bonds of the school district 32331
board, for the school district's portion of the basic project 32332
cost, in an amount equal to the school district's portion of the 32333
basic project cost ~~less any deduction made under section 3318.033~~ 32334
~~of the Revised Code and~~ less the amount of the proceeds of any 32335
securities authorized or to be authorized under division (J) of 32336
section 133.06 of the Revised Code and dedicated by the school 32337
district board to payment of the district's portion of the basic 32338
project cost; and 32339

(B) On the question of levying a tax the proceeds of which 32340
shall be used to pay the cost of maintaining the classroom 32341
facilities included in the project. Such tax shall be at the rate 32342
of not less than one-half mill for each dollar of valuation for a 32343
period of twenty-three years, subject to any extension approved 32344
under section 3318.061 of the Revised Code. 32345

(C) If a school district has in place a tax levied under 32346
section 5705.21 of the Revised Code for general ongoing permanent 32347
improvements ~~of at least two mills for each dollar of valuation~~ 32348
and the proceeds of such tax can be used for maintenance, the 32349
school district need not levy the additional tax required under 32350
division (B) of this section, provided the school district board 32351
includes in the agreement entered into under section 3318.08 of 32352
the Revised Code provisions earmarking an amount from the proceeds 32353
of that permanent improvement tax for maintenance of classroom 32354
facilities equivalent to the amount of the additional tax and for 32355
the equivalent number of years otherwise required under this 32356
section. 32357

(D) Proceeds of the tax to be used for maintenance of the 32358
classroom facilities under either division (B) or (C) of this 32359

section shall be deposited into a separate fund established by the 32360
school district for such purpose. 32361

Sec. 3318.052. At any time after the electors of a school 32362
district have approved either or both a property tax levied under 32363
section 5705.21 or 5705.218 of the Revised Code for the purpose of 32364
general ongoing permanent improvements or a school district income 32365
tax levied under Chapter 5748. of the Revised Code, the proceeds 32366
of which, pursuant to the ballot measures approved by the 32367
electors, are not so restricted that they cannot be used to pay 32368
the costs of a project or maintaining classroom facilities, the 32369
school district board may: 32370

(A) Within one year following the date of the certification 32371
of the conditional approval of the school district's classroom 32372
facilities project by the Ohio school facilities commission, enter 32373
into a written agreement with the commission, which may be part of 32374
an agreement entered into under section 3318.08 of the Revised 32375
Code, and in which the school district board covenants and agrees 32376
to do one or both of the following: 32377

(1) Apply a specified amount of available proceeds of that 32378
property tax levy, of that school district income tax, or of 32379
securities issued under this section, or of proceeds from any two 32380
or more of those sources, to pay all or part of the district's 32381
portion of the basic project cost of its classroom facilities 32382
project; 32383

(2) Apply available proceeds of either or both a property tax 32384
levied under section 5705.21 or 5705.218 of the Revised Code in 32385
effect for a continuing period of time, or of a school district 32386
income tax levied under Chapter 5748. of the Revised Code in 32387
effect for a continuing period of time to the payment of costs of 32388
maintaining the classroom facilities. 32389

(B) Receive, as a credit against the amount of bonds required 32390

under sections 3318.05 and 3318.06 of the Revised Code, to be 32391
approved by the electors of the district and issued by the 32392
district board for the district's portion of the basic project 32393
cost of its classroom facilities project in order for the district 32394
to receive state assistance for the project, an amount equal to 32395
the specified amount that the district board covenants and agrees 32396
with the commission to apply as set forth in division (A)(1) of 32397
this section; 32398

(C) Receive, as a credit against the amount of the tax levy 32399
required under sections 3318.05 and 3318.06 of the Revised Code, 32400
to be approved by the electors of the district to pay the costs of 32401
maintaining the classroom facilities in order to receive state 32402
assistance for the classroom facilities project, an amount 32403
equivalent to the specified amount of proceeds the school district 32404
board covenants and agrees with the commission to apply as 32405
referred to in division (A)(2) of this section; 32406

(D) Apply proceeds of either or both a school district income 32407
tax levied under Chapter 5748. of the Revised Code that may 32408
lawfully be used to pay the costs of a classroom facilities 32409
project or of a tax levied under section 5705.21 or 5705.218 of 32410
the Revised Code to the payment of debt charges on and financing 32411
costs related to securities issued under this section; 32412

(E) Issue securities to provide moneys to pay all or part of 32413
the district's portion of the basic project cost of its classroom 32414
facilities project in accordance with an agreement entered into 32415
under division (A) of this section. Securities issued under this 32416
section shall be Chapter 133. securities and may be issued as 32417
general obligation securities or issued in anticipation of a 32418
school district income tax or as property tax anticipation notes 32419
under section 133.24 of the Revised Code. The district board's 32420
resolution authorizing the issuance and sale of general obligation 32421
securities under this section shall conform to the applicable 32422

requirements of section 133.22 or 133.23 of the Revised Code. 32423

Securities issued under this section shall have principal payments 32424

during each year after the year of issuance over a period of not 32425

more than twenty-three years and, if so determined by the district 32426

board, during the year of issuance. Securities issued under this 32427

section shall not be included in the calculation of net 32428

indebtedness of the district under section 133.06 of the Revised 32429

Code, if the resolution of the district board authorizing their 32430

issuance and sale includes covenants to appropriate annually from 32431

lawfully available proceeds of a property tax levied under section 32432

5705.21 or 5705.218 of the Revised Code or of a school district 32433

income tax levied under Chapter 5748. of the Revised Code and to 32434

continue to levy and collect the tax in amounts necessary to pay 32435

the debt charges on and financing costs related to the securities 32436

as they become due. No property tax levied under section 5705.21 32437

or 5705.218 of the Revised Code and no school district income tax 32438

levied under Chapter 5748. of the Revised Code that is pledged, or 32439

that the school district board has covenanted to levy, collect, 32440

and appropriate annually, to pay the debt charges on and financing 32441

costs related to securities issued under this section shall be 32442

repealed while those securities are outstanding. If such a tax is 32443

reduced by the electors of the district or by the district board 32444

while those securities are outstanding, the school district board 32445

shall continue to levy and collect the tax under the authority of 32446

the original election authorizing the tax at a rate in each year 32447

that the board reasonably estimates will produce an amount in that 32448

year equal to the debt charges on the securities in that year, 32449

except that in the case of a school district income tax that 32450

amount shall be rounded up to the nearest one-fourth of one per 32451

cent. 32452

No state moneys shall be released for a project to which this 32453

section applies until the proceeds of the tax securities issued 32454

under this section that are dedicated for the payment of the 32455

district portion of the basic project cost of its classroom 32456
facilities project are first deposited into the district's project 32457
construction fund. 32458

Sec. 3318.06. (A) After receipt of the conditional approval 32459
of the Ohio school facilities commission, the school district 32460
board by a majority of all of its members shall, if it desires to 32461
proceed with the project, declare all of the following by 32462
resolution: 32463

(1) That by issuing bonds in an amount equal to the school 32464
district's portion of the basic project cost, ~~including bonds~~ 32465
~~previously authorized by the district's electors as described in~~ 32466
~~section 3318.033 of the Revised Code,~~ the district is unable to 32467
provide adequate classroom facilities without assistance from the 32468
state; 32469

(2) Unless the school district board has resolved to apply 32470
the proceeds of a property tax or the proceeds of an income tax, 32471
or a combination of proceeds from such taxes, as authorized under 32472
section 3318.052 of the Revised Code, that to qualify for such 32473
state assistance it is necessary to do either of the following: 32474

(a) Levy a tax outside the ten-mill limitation the proceeds 32475
of which shall be used to pay the cost of maintaining the 32476
classroom facilities included in the project; 32477

(b) Earmark for maintenance of classroom facilities from the 32478
proceeds of an existing permanent improvement tax levied under 32479
section 5705.21 of the Revised Code, if such tax ~~is of at least~~ 32480
~~two mills for each dollar of valuation and~~ can be used for 32481
maintenance, an amount equivalent to the amount of the additional 32482
tax otherwise required under this section and sections 3318.05 and 32483
3318.08 of the Revised Code. 32484

(3) That the question of any tax levy specified in a 32485

resolution described in division (A)(2)(a) of this section, if 32486
required, shall be submitted to the electors of the school 32487
district at the next general or primary election, if there be a 32488
general or primary election not less than seventy-five and not 32489
more than ninety-five days after the day of the adoption of such 32490
resolution or, if not, at a special election to be held at a time 32491
specified in the resolution which shall be not less than 32492
seventy-five days after the day of the adoption of the resolution 32493
and which shall be in accordance with the requirements of section 32494
3501.01 of the Revised Code. 32495

Such resolution shall also state that the question of issuing 32496
bonds of the board shall be combined in a single proposal with the 32497
question of such tax levy. More than one election under this 32498
section may be held in any one calendar year. Such resolution 32499
shall specify both of the following: 32500

(a) That the rate which it is necessary to levy shall be at 32501
the rate of not less than one-half mill for each one dollar of 32502
valuation, and that such tax shall be levied for a period of 32503
twenty-three years; 32504

(b) That the proceeds of the tax shall be used to pay the 32505
cost of maintaining the classroom facilities included in the 32506
project. 32507

(B) A copy of a resolution adopted under division (A) of this 32508
section shall after its passage and not less than seventy-five 32509
days prior to the date set therein for the election be certified 32510
to the county board of elections. 32511

The resolution of the school district board, in addition to 32512
meeting other applicable requirements of section 133.18 of the 32513
Revised Code, shall state that the amount of bonds to be issued 32514
will be an amount equal to the school district's portion of the 32515
basic project cost, and state the maximum maturity of the bonds 32516

which may be any number of years not exceeding the term calculated 32517
under section 133.20 of the Revised Code as determined by the 32518
board. In estimating the amount of bonds to be issued, the board 32519
shall take into consideration the amount of moneys then in the 32520
bond retirement fund and the amount of moneys to be collected for 32521
and disbursed from the bond retirement fund during the remainder 32522
of the year in which the resolution of necessity is adopted. 32523

If the bonds are to be issued in more than one series, the 32524
resolution may state, in addition to the information required to 32525
be stated under division (B)(3) of section 133.18 of the Revised 32526
Code, the number of series, which shall not exceed five, the 32527
principal amount of each series, and the approximate date each 32528
series will be issued, and may provide that no series, or any 32529
portion thereof, may be issued before such date. Upon such a 32530
resolution being certified to the county auditor as required by 32531
division (C) of section 133.18 of the Revised Code, the county 32532
auditor, in calculating, advising, and confirming the estimated 32533
average annual property tax levy under that division, shall also 32534
calculate, advise, and confirm by certification the estimated 32535
average property tax levy for each series of bonds to be issued. 32536

Notice of the election shall include the fact that the tax 32537
levy shall be at the rate of not less than one-half mill for each 32538
one dollar of valuation for a period of twenty-three years, and 32539
that the proceeds of the tax shall be used to pay the cost of 32540
maintaining the classroom facilities included in the project. 32541

If the bonds are to be issued in more than one series, the 32542
board of education, when filing copies of the resolution with the 32543
board of elections as required by division (D) of section 133.18 32544
of the Revised Code, may direct the board of elections to include 32545
in the notice of election the principal amount and approximate 32546
date of each series, the maximum number of years over which the 32547
principal of each series may be paid, the estimated additional 32548

average property tax levy for each series, and the first calendar 32549
year in which the tax is expected to be due for each series, in 32550
addition to the information required to be stated in the notice 32551
under division (E)(3)(a) to (e) of section 133.18 of the Revised 32552
Code. 32553

(C)(1) Except as otherwise provided in division (C)(2) of 32554
this section, the form of the ballot to be used at such election 32555
shall be: 32556

"A majority affirmative vote is necessary for passage. 32557

Shall bonds be issued by the (here insert name 32558
of school district) school district to pay the local share of 32559
school construction under the State of Ohio Classroom Facilities 32560
Assistance Program in the principal amount of (here 32561
insert principal amount of the bond issue), to be repaid annually 32562
over a maximum period of (here insert the maximum 32563
number of years over which the principal of the bonds may be paid) 32564
years, and an annual levy of property taxes be made outside the 32565
ten-mill limitation, estimated by the county auditor to average 32566
over the repayment period of the bond issue (here 32567
insert the number of mills estimated) mills for each one dollar of 32568
tax valuation, which amounts to (rate expressed in 32569
cents or dollars and cents, such as "thirty-six cents" or "\$0.36") 32570
for each one hundred dollars of tax valuation to pay the annual 32571
debt charges on the bonds and to pay debt charges on any notes 32572
issued in anticipation of the bonds?" 32573

and, unless the additional levy 32574

of taxes is not required pursuant 32575

to division (C) of section 32576

3318.05 of the Revised Code, 32577

"Shall an additional levy of taxes be made for a period of 32578
twenty-three years to benefit the (here insert name 32579
of school district) school district, the proceeds of which shall 32580

be used to pay the cost of maintaining the classroom facilities 32581
included in the project at the rate of (here insert the 32582
number of mills, which shall not be less than one-half mill) mills 32583
for each one dollar of valuation? 32584

	FOR THE BOND ISSUE AND TAX LEVY
	AGAINST THE BOND ISSUE AND TAX LEVY

"

32585
32586
32587
32588

(2) If authority is sought to issue bonds in more than one 32589
series and the board of education so elects, the form of the 32590
ballot shall be as prescribed in section 3318.062 of the Revised 32591
Code. If the board of education elects the form of the ballot 32592
prescribed in that section, it shall so state in the resolution 32593
adopted under this section. 32594

(D) If it is necessary for the school district to acquire a 32595
site for the classroom facilities to be acquired pursuant to 32596
sections 3318.01 to 3318.20 of the Revised Code, the district 32597
board may propose either to issue bonds of the board or to levy a 32598
tax to pay for the acquisition of such site, and may combine the 32599
question of doing so with the questions specified in division (B) 32600
of this section. Bonds issued under this division for the purpose 32601
of acquiring a site are a general obligation of the school 32602
district and are Chapter 133. securities. 32603

The form of that portion of the ballot to include the 32604
question of either issuing bonds or levying a tax for site 32605
acquisition purposes shall be one of the following: 32606

(1) "Shall bonds be issued by the (here insert 32607
name of the school district) school district to pay costs of 32608
acquiring a site for classroom facilities under the State of Ohio 32609
Classroom Facilities Assistance Program in the principal amount of 32610
..... (here insert principal amount of the bond issue), to be 32611

repaid annually over a maximum period of (here insert 32612
maximum number of years over which the principal of the bonds may 32613
be paid) years, and an annual levy of property taxes be made 32614
outside the ten-mill limitation, estimated by the county auditor 32615
to average over the repayment period of the bond issue 32616
(here insert number of mills) mills for each one dollar of tax 32617
valuation, which amount to (here insert rate expressed 32618
in cents or dollars and cents, such as "thirty-six cents" or 32619
"\$0.36") for each one hundred dollars of valuation to pay the 32620
annual debt charges on the bonds and to pay debt charges on any 32621
notes issued in anticipation of the bonds?" 32622

(2) "Shall an additional levy of taxes outside the ten-mill 32623
limitation be made for the benefit of the (here insert 32624
name of the school district) school district for the 32625
purpose of acquiring a site for classroom facilities in the sum of 32626
..... (here insert annual amount the levy is to produce) 32627
estimated by the county auditor to average (here insert 32628
number of mills) mills for each one hundred dollars of valuation, 32629
for a period of (here insert number of years the millage 32630
is to be imposed) years?" 32631

Where it is necessary to combine the question of issuing 32632
bonds of the school district and levying a tax as described in 32633
division (B) of this section with the question of issuing bonds of 32634
the school district for acquisition of a site, the question 32635
specified in that division to be voted on shall be "For the Bond 32636
Issues and the Tax Levy" and "Against the Bond Issues and the Tax 32637
Levy." 32638

Where it is necessary to combine the question of issuing 32639
bonds of the school district and levying a tax as described in 32640
division (B) of this section with the question of levying a tax 32641
for the acquisition of a site, the question specified in that 32642
division to be voted on shall be "For the Bond Issue and the Tax 32643

Levies" and "Against the Bond Issue and the Tax Levies." 32644

Where the school district board chooses to combine the 32645
question in division (B) of this section with any of the 32646
additional questions described in divisions (A) to (D) of section 32647
3318.056 of the Revised Code, the question specified in division 32648
(B) of this section to be voted on shall be "For the Bond Issues 32649
and the Tax Levies" and "Against the Bond Issues and the Tax 32650
Levies." 32651

If a majority of those voting upon a proposition hereunder 32652
which includes the question of issuing bonds vote in favor 32653
thereof, and if the agreement provided for by section 3318.08 of 32654
the Revised Code has been entered into, the school district board 32655
may proceed under Chapter 133. of the Revised Code, with the 32656
issuance of bonds or bond anticipation notes in accordance with 32657
the terms of the agreement. 32658

Sec. 3318.08. Except in the case of a joint vocational school 32659
district that receives assistance under sections 3318.40 to 32660
3318.45 of the Revised Code, if the requisite favorable vote on 32661
the election is obtained, or if the school district board has 32662
resolved to apply the proceeds of a property tax levy or the 32663
proceeds of an income tax, or a combination of proceeds from such 32664
taxes, as authorized in section 3318.052 of the Revised Code, the 32665
Ohio school facilities commission, upon certification to it of 32666
either the results of the election or the resolution under section 32667
3318.052 of the Revised Code, shall enter into a written agreement 32668
with the school district board for the construction and sale of 32669
the project. In the case of a joint vocational school district 32670
that receives assistance under sections 3318.40 to 3318.45 of the 32671
Revised Code, if the school district board of education and the 32672
school district electors have satisfied the conditions prescribed 32673
in division (D)(1) of section 3318.41 of the Revised Code, the 32674

commission shall enter into an agreement with the school district 32675
board for the construction and sale of the project. In either 32676
case, the agreement shall include, but need not be limited to, the 32677
following provisions: 32678

(A) The sale and issuance of bonds or notes in anticipation 32679
thereof, as soon as practicable after the execution of the 32680
agreement, in an amount equal to the school district's portion of 32681
the basic project cost, including ~~any bonds previously authorized~~ 32682
~~by the district's electors as described in section 3318.033 of the~~ 32683
~~Revised Code and~~ any securities authorized under division (J) of 32684
section 133.06 of the Revised Code and dedicated by the school 32685
district board to payment of the district's portion of the basic 32686
project cost of the project; provided, that if at that time the 32687
county treasurer of each county in which the school district is 32688
located has not commenced the collection of taxes on the general 32689
duplicate of real and public utility property for the year in 32690
which the controlling board approved the project, the school 32691
district board shall authorize the issuance of a first installment 32692
of bond anticipation notes in an amount specified by the 32693
agreement, which amount shall not exceed an amount necessary to 32694
raise the net bonded indebtedness of the school district as of the 32695
date of the controlling board's approval to within five thousand 32696
dollars of the required level of indebtedness for the preceding 32697
year. In the event that a first installment of bond anticipation 32698
notes is issued, the school district board shall, as soon as 32699
practicable after the county treasurer of each county in which the 32700
school district is located has commenced the collection of taxes 32701
on the general duplicate of real and public utility property for 32702
the year in which the controlling board approved the project, 32703
authorize the issuance of a second and final installment of bond 32704
anticipation notes or a first and final issue of bonds. 32705

The combined value of the first and second installment of 32706

bond anticipation notes or the value of the first and final issue 32707
of bonds shall be equal to the school district's portion of the 32708
basic project cost. The proceeds of any such bonds shall be used 32709
first to retire any bond anticipation notes. Otherwise, the 32710
proceeds of such bonds and of any bond anticipation notes, except 32711
the premium and accrued interest thereon, shall be deposited in 32712
the school district's project construction fund. In determining 32713
the amount of net bonded indebtedness for the purpose of fixing 32714
the amount of an issue of either bonds or bond anticipation notes, 32715
gross indebtedness shall be reduced by moneys in the bond 32716
retirement fund only to the extent of the moneys therein on the 32717
first day of the year preceding the year in which the controlling 32718
board approved the project. Should there be a decrease in the tax 32719
valuation of the school district so that the amount of 32720
indebtedness that can be incurred on the tax duplicates for the 32721
year in which the controlling board approved the project is less 32722
than the amount of the first installment of bond anticipation 32723
notes, there shall be paid from the school district's project 32724
construction fund to the school district's bond retirement fund to 32725
be applied against such notes an amount sufficient to cause the 32726
net bonded indebtedness of the school district, as of the first 32727
day of the year following the year in which the controlling board 32728
approved the project, to be within five thousand dollars of the 32729
required level of indebtedness for the year in which the 32730
controlling board approved the project. The maximum amount of 32731
indebtedness to be incurred by any school district board as its 32732
share of the cost of the project is either an amount that will 32733
cause its net bonded indebtedness, as of the first day of the year 32734
following the year in which the controlling board approved the 32735
project, to be within five thousand dollars of the required level 32736
of indebtedness, or an amount equal to the required percentage of 32737
the basic project costs, whichever is greater. All bonds and bond 32738
anticipation notes shall be issued in accordance with Chapter 133. 32739

of the Revised Code, and notes may be renewed as provided in 32740
section 133.22 of the Revised Code. 32741

(B) The transfer of such funds of the school district board 32742
available for the project, together with the proceeds of the sale 32743
of the bonds or notes, except premium, accrued interest, and 32744
interest included in the amount of the issue, to the school 32745
district's project construction fund; 32746

(C) For all school districts except joint vocational school 32747
districts that receive assistance under sections 3318.40 to 32748
3318.45 of the Revised Code, the following provisions as 32749
applicable: 32750

(1) If section 3318.052 of the Revised Code applies, the 32751
earmarking of the proceeds of a tax levied under section 5705.21 32752
of the Revised Code for general ongoing permanent or under section 32753
5705.218 of the Revised Code for the purpose of permanent 32754
improvements, or the proceeds of a school district income tax 32755
levied under Chapter 5748. of the Revised Code, or the proceeds 32756
from a combination of those two taxes, in an amount to pay all or 32757
part of the service charges on bonds issued to pay the school 32758
district portion of the project and an amount equivalent to all or 32759
part of the tax required under division (B) of section 3318.05 of 32760
the Revised Code; 32761

(2) If section 3318.052 of the Revised Code does not apply, 32762
either of the following: 32763

(a) The levy of the tax authorized at the election for the 32764
payment of maintenance costs, as specified in division (B) of 32765
section 3318.05 of the Revised Code; 32766

(b) If the school district electors have approved a 32767
continuing tax ~~of at least two mills for each dollar of valuation~~ 32768
for general ongoing permanent improvements under section 5705.21 32769
of the Revised Code and that tax can be used for maintenance, the 32770

earmarking of an amount of the proceeds from such tax for 32771
maintenance of classroom facilities as specified in division (B) 32772
of section 3318.05 of the Revised Code. 32773

(D) For joint vocational school districts that receive 32774
assistance under sections 3318.40 to 3318.45 of the Revised Code, 32775
provision for deposit of school district moneys dedicated to 32776
maintenance of the classroom facilities acquired under those 32777
sections as prescribed in section 3318.43 of the Revised Code; 32778

(E) Dedication of any local donated contribution as provided 32779
for under section 3318.084 of the Revised Code, including a 32780
schedule for depositing such moneys applied as an offset of the 32781
district's obligation to levy the tax described in division (B) of 32782
section 3318.05 of the Revised Code as required under division 32783
(D)(2) of section 3318.084 of the Revised Code; 32784

(F) Ownership of or interest in the project during the period 32785
of construction, which shall be divided between the commission and 32786
the school district board in proportion to their respective 32787
contributions to the school district's project construction fund; 32788

(G) Maintenance of the state's interest in the project until 32789
any obligations issued for the project under section 3318.26 of 32790
the Revised Code are no longer outstanding; 32791

(H) The insurance of the project by the school district from 32792
the time there is an insurable interest therein and so long as the 32793
state retains any ownership or interest in the project pursuant to 32794
division (F) of this section, in such amounts and against such 32795
risks as the commission shall require; provided, that the cost of 32796
any required insurance until the project is completed shall be a 32797
part of the basic project cost; 32798

(I) The certification by the director of budget and 32799
management that funds are available and have been set aside to 32800
meet the state's share of the basic project cost as approved by 32801

the controlling board pursuant to either section 3318.04 or 32802
division (B)(1) of section 3318.41 of the Revised Code; 32803

(J) Authorization of the school district board to advertise 32804
for and receive construction bids for the project, for and on 32805
behalf of the commission, and to award contracts in the name of 32806
the state subject to approval by the commission; 32807

(K) Provisions for the disbursement of moneys from the school 32808
district's project account upon issuance by the commission or the 32809
commission's designated representative of vouchers for work done 32810
to be certified to the commission by the treasurer of the school 32811
district board; 32812

(L) Disposal of any balance left in the school district's 32813
project construction fund upon completion of the project; 32814

(M) Limitations upon use of the project or any part of it so 32815
long as any obligations issued to finance the project under 32816
section 3318.26 of the Revised Code are outstanding; 32817

(N) Provision for vesting the state's interest in the project 32818
to the school district board when the obligations issued to 32819
finance the project under section 3318.26 of the Revised Code are 32820
outstanding; 32821

(O) Provision for deposit of an executed copy of the 32822
agreement in the office of the commission; 32823

(P) Provision for termination of the contract and release of 32824
the funds encumbered at the time of the conditional approval, if 32825
the proceeds of the sale of the bonds of the school district board 32826
are not paid into the school district's project construction fund 32827
and if bids for the construction of the project have not been 32828
taken within such period after the execution of the agreement as 32829
may be fixed by the commission; 32830

(Q) Provision for the school district to maintain the project 32831

in accordance with a plan approved by the commission; 32832

(R)(1) For all school districts except a district undertaking 32833
a project under section 3318.38 of the Revised Code or a joint 32834
vocational school district undertaking a project under sections 32835
3318.40 to 3318.45 of the Revised Code, provision that all state 32836
funds reserved and encumbered to pay the state share of the cost 32837
of the project pursuant to section 3318.03 of the Revised Code be 32838
spent on the construction or acquisition of the project prior to 32839
the expenditure of any funds provided by the school district to 32840
pay for its share of the project cost, unless the school district 32841
certifies to the commission that expenditure by the school 32842
district is necessary to maintain the tax-exempt status of notes 32843
or bonds issued by the school district to pay for its share of the 32844
project cost or to comply with applicable temporary investment 32845
periods or spending exceptions to rebate as provided for under 32846
federal law in regard to those notes or bonds, in which cases, the 32847
school district may commit to spend, or spend, a portion of the 32848
funds it provides; 32849

(2) For a school district undertaking a project under section 32850
3318.38 of the Revised Code or a joint vocational school district 32851
undertaking a project under sections 3318.40 to 3318.45 of the 32852
Revised Code, provision that the state funds reserved and 32853
encumbered and the funds provided by the school district to pay 32854
the basic project cost of any segment of the project, or of the 32855
entire project if it is not divided into segments, be spent on the 32856
construction and acquisition of the project simultaneously in 32857
proportion to the state's and the school district's respective 32858
shares of that basic project cost as determined under section 32859
3318.032 of the Revised Code or, if the district is a joint 32860
vocational school district, under section 3318.42 of the Revised 32861
Code. 32862

(S) A provision stipulating that the commission may prohibit 32863

the district from proceeding with any project if the commission 32864
determines that the site is not suitable for construction 32865
purposes. The commission may perform soil tests in its 32866
determination of whether a site is appropriate for construction 32867
purposes. 32868

(T) A provision stipulating that, unless otherwise authorized 32869
by the commission, any contingency reserve portion of the 32870
construction budget prescribed by the commission shall be used 32871
only to pay costs resulting from unforeseen job conditions, to 32872
comply with rulings regarding building and other codes, to pay 32873
costs related to design clarifications or corrections to contract 32874
documents, and to pay the costs of settlements or judgments 32875
related to the project as provided under section 3318.086 of the 32876
Revised Code; 32877

(U) Provision stipulating that for continued release of 32878
project funds the school district board shall comply with section 32879
3313.41 of the Revised Code throughout the project and shall 32880
notify the department of education and the Ohio community school 32881
association when the board plans to dispose of facilities by sale 32882
under that section; 32883

(V) Provision that the commission shall not approve a 32884
contract for demolition of a facility until the school district 32885
board has complied with section 3313.41 of the Revised Code 32886
relative to that facility, unless demolition of that facility is 32887
to clear a site for construction of a replacement facility 32888
included in the district's project. 32889

Sec. 3318.30. (A) There is hereby created the Ohio school 32890
facilities commission. The commission shall administer the 32891
provision of financial assistance to school districts for the 32892
acquisition or construction of classroom facilities in accordance 32893
with sections 3318.01 to 3318.33 of the Revised Code. 32894

The commission is a body corporate and politic, an agency of state government and an instrumentality of the state, performing essential governmental functions of this state. The carrying out of the purposes and the exercise by the commission of its powers conferred by sections 3318.01 to 3318.33 of the Revised Code are essential public functions and public purposes of the state. The commission may, in its own name, sue and be sued, enter into contracts, and perform all the powers and duties given to it by sections 3318.01 to 3318.33 of the Revised Code, but it does not have and shall not exercise the power of eminent domain. In its discretion and as it determines appropriate, the commission may delegate to any of its members, executive director, or other employees any of the commission's powers and duties to carry out its functions.

(B) The commission shall consist of seven members, three of whom are voting members. The voting members of the commission shall be the director of the office of budget and management, the director of administrative services, and the superintendent of public instruction, or their designees. Of the nonvoting members, two shall be members of the senate appointed by the president of the senate, and two shall be members of the house of representatives appointed by the speaker of the house. Each of the appointees of the president, and each of the appointees of the speaker, shall be members of different political parties.

Nonvoting members shall serve as members of the commission during the legislative biennium for which they are appointed, except that any such member who ceases to be a member of the legislative house from which the member was appointed shall cease to be a member of the commission. Each nonvoting member shall be appointed within thirty-one days of the end of the term of that member's predecessor. Such members may be reappointed. Vacancies of nonvoting members shall be filled in the manner provided for

original appointments. 32927

Members of the commission shall serve without compensation. 32928

After the initial nonvoting members of the commission have 32929
been appointed, the commission shall meet and organize by electing 32930
voting members as the chairperson and vice-chairperson of the 32931
commission, who shall hold their offices until the next 32932
organizational meeting of the commission. Organizational meetings 32933
of the commission shall be held at the first meeting of each 32934
calendar year. At each organizational meeting, the commission 32935
shall elect from among its voting members a chairperson and 32936
vice-chairperson, who shall serve until the next annual 32937
organizational meeting. The commission shall adopt rules pursuant 32938
to section 111.15 of the Revised Code for the conduct of its 32939
internal business and shall keep a journal of its proceedings. 32940
Including the organizational meeting, the commission shall meet at 32941
least once each calendar quarter. 32942

Two voting members of the commission constitute a quorum, and 32943
the affirmative vote of two members is necessary for approval of 32944
any action taken by the commission. A vacancy in the membership of 32945
the commission does not impair a quorum from exercising all the 32946
rights and performing all the duties of the commission. Meetings 32947
of the commission may be held anywhere in the state and shall be 32948
held in compliance with section 121.22 of the Revised Code. 32949

(C) The commission shall file an annual report of its 32950
activities and finances with the governor, speaker of the house of 32951
representatives, president of the senate, and chairpersons of the 32952
house and senate finance committees. 32953

(D) The commission shall be exempt from the requirements of 32954
sections 101.82 to 101.87 of the Revised Code. 32955

Sec. 3318.31. (A) The Ohio school facilities commission may 32956

perform any act and ensure the performance of any function 32957
necessary or appropriate to carry out the purposes of, and 32958
exercise the powers granted under, Chapter 3318. of the Revised 32959
Code, including any of the following: 32960

(1) Adopt, amend, and rescind, pursuant to section 111.15 of 32961
the Revised Code, rules for the administration of programs 32962
authorized under Chapter 3318. of the Revised Code. 32963

(2) Contract with, retain the services of, or designate, and 32964
fix the compensation of, such agents, accountants, consultants, 32965
advisers, and other independent contractors as may be necessary or 32966
desirable to carry out the programs authorized under Chapter 3318. 32967
of the Revised Code, or authorize the executive director to 32968
perform such powers and duties. 32969

(3) Receive and accept any gifts, grants, donations, and 32970
pledges, and receipts therefrom, to be used for the programs 32971
authorized under Chapter 3318. of the Revised Code. 32972

(4) Make and enter into all contracts, commitments, and 32973
agreements, and execute all instruments, necessary or incidental 32974
to the performance of its duties and the execution of its rights 32975
and powers under Chapter 3318. of the Revised Code, or authorize 32976
the executive director to perform such powers and duties. 32977

(B) The commission shall appoint and fix the compensation of 32978
an executive director who shall serve at the pleasure of the 32979
commission. The executive director shall supervise the operations 32980
of the commission and perform such other duties as delegated by 32981
the commission. The executive director also shall employ and fix 32982
the compensation of such employees as will facilitate the 32983
activities and purposes of the commission, who shall serve at the 32984
pleasure of the executive director. The employees of the 32985
commission shall be exempt from Chapter 4117. of the Revised Code 32986
and shall not be public employees as defined in section 4117.01 of 32987

the Revised Code. 32988

(C) The attorney general shall serve as the legal 32989
representative for the commission and may appoint other counsel as 32990
necessary for that purpose in accordance with section 109.07 of 32991
the Revised Code. 32992

Sec. 3318.37. (A)(1) As used in this section: 32993

~~(1)~~(a) "Large land area school district" means a school 32994
district with a territory of greater than three hundred square 32995
miles in any percentile as determined under section 3318.011 of 32996
the Revised Code. 32997

(b) "Low wealth school district" means a school district in 32998
the first through fiftieth percentiles as determined under section 32999
3318.011 of the Revised Code. 33000

~~(2)~~(c) A "school district with an exceptional need for 33001
immediate classroom facilities assistance" means a low wealth or 33002
large land area school district with an exceptional need for new 33003
facilities in order to protect the health and safety of all or a 33004
portion of its students. ~~School~~ 33005

(2) School districts reasonably expected to be eligible for 33006
state assistance under sections 3318.01 to 3318.20 of the Revised 33007
Code within three fiscal years after the year of the application 33008
for assistance under this section ~~is being considered by the Ohio~~ 33009
~~school facilities commission,~~ and school districts that 33010
participate in the school building assistance expedited local 33011
partnership program under section 3318.36 of the Revised Code, 33012
except for such districts described in division (A)(3) of this 33013
section, shall not be eligible for assistance under this section. 33014

(3) School districts that participate in the school building 33015
assistance expedited local partnership program under section 33016
3318.36 of the Revised Code may receive assistance under the 33017

program established under this section only if the following 33018
conditions are satisfied: 33019

(a) The district board adopted a resolution certifying its 33020
intent to participate in the school building assistance expedited 33021
local partnership program under section 3318.36 of the Revised 33022
Code prior to September 14, 2000. 33023

(b) The district was selected by the Ohio school facilities 33024
commission for participation in the school building assistance 33025
expedited local partnership program under section 3318.36 of the 33026
Revised Code in the manner prescribed by the commission under that 33027
section as it existed prior to September 14, 2000. 33028

(B)(1) There is hereby established the exceptional needs 33029
school facilities assistance program. Under the program, the Ohio 33030
school facilities commission may set aside from the moneys 33031
annually appropriated to it for classroom facilities assistance 33032
projects up to twenty-five per cent for assistance to school 33033
districts with exceptional needs for immediate classroom 33034
facilities assistance. 33035

(2)(a) After consulting with education and construction 33036
experts, the commission shall adopt guidelines for identifying 33037
school districts with an exceptional need for immediate classroom 33038
facilities assistance. 33039

(b) The guidelines shall include application forms and 33040
instructions for school districts ~~that believe they have an~~ 33041
~~exceptional need for immediate classroom facilities to use in~~ 33042
applying for assistance under this section. 33043

(3) The commission shall evaluate the classroom facilities, 33044
and the need for replacement classroom facilities from the 33045
applications received under this section. The commission, 33046
utilizing the guidelines adopted under division (B)(2)(a) of this 33047
section, shall prioritize the school districts to be assessed. 33048

Notwithstanding section 3318.02 of the Revised Code, the
commission may conduct on-site evaluation of the school districts
prioritized under this section and approve and award funds until
such time as all funds set aside under division (B)(1) of this
section have been encumbered ~~under section 3318.04 of the Revised
Code.~~ However, the commission need not conduct the evaluation of
facilities if the commission determines that a district's
assessment conducted under section 3318.36 of the Revised Code is
sufficient for purposes of this section.

(4) Notwithstanding division (A) of section 3318.05 of the
Revised Code, the school district's portion of the basic project
cost under this section shall be the "required percentage of the
basic project costs," as defined in division (K) of section
3318.01 of the Revised Code.

(5) Except as otherwise specified in this section, any
project undertaken with assistance under this section shall comply
with all provisions of sections 3318.01 to 3318.20 of the Revised
Code. A school district may receive assistance under sections
3318.01 to 3318.20 of the Revised Code for the remainder of the
district's classroom facilities needs as assessed under this
section when the district is eligible for such assistance pursuant
to section 3318.02 of the Revised Code, but any classroom facility
constructed with assistance under this section shall not be
included in a district's project at that time unless the
commission determines the district has experienced the increased
enrollment specified in division (B)(1) of section 3318.04 of the
Revised Code.

(C) No school district shall receive assistance under this
section for a classroom facility that has been included in the
discrete part of the district's classroom facilities needs
identified and addressed in the district's project pursuant to an
agreement entered into under section 3318.36 of the Revised Code.

Sec. 3318.41. (A)(1) The Ohio school facilities commission 33081
annually shall assess the classroom facilities needs of the number 33082
of joint vocational school districts that the commission 33083
reasonably expects to be able to provide assistance to in a fiscal 33084
year, based on the amount set aside for that fiscal year under 33085
division (B) of section 3318.40 of the Revised Code and the order 33086
of priority prescribed in division (B) of section 3318.42 of the 33087
Revised Code, except that in fiscal year 2004 the commission shall 33088
conduct at least the five assessments prescribed in division (E) 33089
of section 3318.40 of the Revised Code. 33090

Upon conducting an assessment of the classroom facilities 33091
needs of a school district, the commission shall make a 33092
determination of all of the following: 33093

(a) The number of classroom facilities to be included in a 33094
project, ~~including classroom facilities authorized by a bond~~ 33095
~~issuedescribed in section 3318.033 of the Revised Code,~~ and the 33096
basic project cost of acquiring the classroom facilities included 33097
in the project. The number of facilities and basic project cost 33098
shall be determined in accordance with the specifications adopted 33099
under section 3318.311 of the Revised Code except to the extent 33100
that compliance with such specifications is waived by the 33101
commission pursuant to the rule of the commission adopted under 33102
division (F) of section 3318.40 of the Revised Code. 33103

(b) The school district's portion of the basic project cost 33104
as determined under division (C) of section 3318.42 of the Revised 33105
Code; 33106

(c) The remaining portion of the basic project cost that 33107
shall be supplied by the state; 33108

(d) The amount of the state's portion of the basic project 33109
cost to be encumbered in accordance with section 3318.11 of the 33110

Revised Code in the current and subsequent fiscal bienniums from 33111
funds set aside under division (B) of section 3318.40 of the 33112
Revised Code. 33113

(2) Divisions (A), (C), and (D) of section 3318.03 of the 33114
Revised Code apply to any project under sections 3318.40 to 33115
3318.45 of the Revised Code. 33116

(B)(1) If the commission makes a determination under division 33117
(A) of this section in favor of the acquisition of classroom 33118
facilities for a project under sections 3318.40 to 3318.45 of the 33119
Revised Code, such project shall be conditionally approved. Such 33120
conditional approval shall be submitted to the controlling board 33121
for approval. The controlling board shall immediately approve or 33122
reject the commission's determination, conditional approval, the 33123
amount of the state's portion of the basic project cost, and the 33124
amount of the state's portion of the basic project cost to be 33125
encumbered in the current fiscal biennium. In the event of 33126
approval by the controlling board, the commission shall certify 33127
the conditional approval to the joint vocational school district 33128
board of education and shall encumber the approved funds for the 33129
current fiscal year. 33130

(2) No school district that receives assistance under 33131
sections 3318.40 to 3318.45 of the Revised Code shall have another 33132
such project conditionally approved until the expiration of twenty 33133
years after the school district's prior project was conditionally 33134
approved, unless the school district board demonstrates to the 33135
satisfaction of the commission that the school district has 33136
experienced since conditional approval of its prior project an 33137
exceptional increase in enrollment or program requirements 33138
significantly above the school district's design capacity under 33139
that prior project as determined by rule of the commission. Any 33140
rule adopted by the commission to implement this division shall be 33141
tailored to address the classroom facilities needs of joint 33142

vocational school districts. 33143

(C) In addition to generating the amount of the school 33144
district's portion of the basic project cost as determined under 33145
division (C) of section 3318.42 of the Revised Code, in order for 33146
a school district to receive assistance under sections 3318.40 to 33147
3318.45 of the Revised Code, the school district board shall set 33148
aside school district moneys for the maintenance of the classroom 33149
facilities included in the school district's project in the amount 33150
and manner prescribed in section 3318.43 of the Revised Code. 33151

(D)(1) The conditional approval for a project certified under 33152
division (B)(1) of this section shall lapse and the amount 33153
reserved and encumbered for such project shall be released unless 33154
both of the following conditions are satisfied: 33155

(a) Within one hundred twenty days following the date of 33156
certification of the conditional approval to the joint vocational 33157
school district board, the school district board accepts the 33158
conditional approval and certifies to the commission the school 33159
district board's plan to generate the school district's portion of 33160
the basic project cost, as determined under division (C) of 33161
section 3318.42 of the Revised Code, and to set aside moneys for 33162
maintenance of the classroom facilities acquired under the 33163
project, as prescribed in section 3318.43 of the Revised Code. 33164

(b) Within one year following the date of certification of 33165
the conditional approval to the school district board, the 33166
electors of the school district vote favorably on any ballot 33167
measures proposed by the school district board to generate the 33168
school district's portion of the basic project cost. 33169

(2) If the school district board or electors fail to satisfy 33170
the conditions prescribed in division (D)(1) of this section and 33171
the amount reserved and encumbered for the school district's 33172
project is released, the school district shall be given first 33173

priority over other joint vocational school districts for project 33174
funding under sections 3318.40 to 3318.45 of the Revised Code as 33175
such funds become available. 33176

(E) If the conditions prescribed in division (D)(1) of this 33177
section are satisfied, the commission and the school district 33178
board shall enter into an agreement as prescribed in section 33179
3318.08 of the Revised Code and shall proceed with the development 33180
of plans, cost estimates, designs, drawings, and specifications as 33181
prescribed in section 3318.091 of the Revised Code. 33182

(F) Costs in excess of those approved by the commission under 33183
section 3318.091 of the Revised Code shall be payable only as 33184
provided in sections 3318.042 and 3318.083 of the Revised Code. 33185

(G) Advertisement for bids and the award of contracts for 33186
construction of any project under sections 3318.40 to 3318.45 of 33187
the Revised Code shall be conducted in accordance with section 33188
3318.10 of the Revised Code. 33189

(H) The state funds reserved and encumbered and the funds 33190
provided by the school district to pay the basic project cost of a 33191
project under sections 3318.40 to 3318.45 of the Revised Code 33192
shall be spent simultaneously in proportion to the state's and the 33193
school district's respective portions of that basic project cost. 33194

(I) Sections 3318.13, 3318.14, and 3318.16 of the Revised 33195
Code apply to projects under sections 3318.40 to 3318.45 of the 33196
Revised Code. 33197

Sec. 3319.01. Except in an island school district, where the 33198
superintendent of an educational service center otherwise may 33199
serve as superintendent of the district and except as otherwise 33200
provided for any cooperative education school district pursuant to 33201
division (B)(2) of section 3311.52 or division (B)(3) of section 33202
3311.521 of the Revised Code, the board of education in each 33203

school district and the governing board of each service center 33204
shall, at a regular or special meeting held not later than the 33205
first day of May of the calendar year in which the term of the 33206
superintendent expires, appoint a person possessed of the 33207
qualifications provided in this section to act as superintendent, 33208
for a term not longer than five years beginning the first day of 33209
August and ending on the thirty-first day of July. Such 33210
superintendent is, at the expiration of a current term of 33211
employment, deemed reemployed for a term of one year at the same 33212
salary plus any increments that may be authorized by the board, 33213
unless such board, on or before the first day of March of the year 33214
in which the contract of employment expires, either reemploys the 33215
superintendent for a succeeding term as provided in this section 33216
or gives to the superintendent written notice of its intention not 33217
to reemploy the superintendent. A superintendent may not be 33218
transferred to any other position during the term of the 33219
superintendent's employment or reemployment except by mutual 33220
agreement by the superintendent and the board. If a vacancy occurs 33221
in the office of superintendent, the board shall appoint a 33222
superintendent for a term not to exceed five years from the next 33223
preceding first day of August. 33224

~~Except as otherwise provided in this section, the employment 33225
or reemployment of a superintendent of a local school district 33226
shall be only upon the recommendation of the service center 33227
superintendent, except that a local board of education, by a 33228
three fourths vote of its full membership, may, after considering 33229
two nominations for the position of local superintendent made by 33230
the service center superintendent, employ or reemploy a person not 33231
so nominated for such position. 33232~~

A board may at any regular or special meeting held during the 33233
period beginning on the first day of January of the calendar year 33234
immediately preceding the year the contract of employment of a 33235

superintendent expires and ending on the first day of March of the 33236
year it expires, reemploy such superintendent for a succeeding 33237
term for not longer than five years, beginning on the first day of 33238
August immediately following the expiration of the 33239
superintendent's current term of employment and ending on the 33240
thirty-first day of July of the year in which such succeeding term 33241
expires. No person shall be appointed to the office of 33242
superintendent of a city, or exempted village school district or a 33243
service center who does not hold a license designated for being a 33244
superintendent issued under section 3319.22 of the Revised Code, 33245
unless such person had been employed as a county, city, or 33246
exempted village superintendent prior to August 1, 1939. No person 33247
shall be appointed to the office of local superintendent who does 33248
not hold a license designated for being a superintendent issued 33249
under section 3319.22 of the Revised Code, unless such person held 33250
or was qualified to hold the position of executive head of a local 33251
school district on September 16, 1957. At the time of making such 33252
appointment or designation of term, such board shall fix the 33253
compensation of the superintendent, which may be increased or 33254
decreased during such term, provided such decrease is a part of a 33255
uniform plan affecting salaries of all employees of the district, 33256
and shall execute a written contract of employment with such 33257
superintendent. 33258

Each board shall adopt procedures for the evaluation of its 33259
superintendent and shall evaluate its superintendent in accordance 33260
with those procedures. An evaluation based upon such procedures 33261
shall be considered by the board in deciding whether to renew the 33262
superintendent's contract. The establishment of an evaluation 33263
procedure shall not create an expectancy of continued employment. 33264
Nothing in this section shall prevent a board from making the 33265
final determination regarding the renewal or failure to renew of a 33266
superintendent's contract. 33267

Termination of a superintendent's contract shall be pursuant 33268
to section 3319.16 of the Revised Code. 33269

A board may establish vacation leave for its superintendent. 33270
Upon the superintendent's separation from employment a board that 33271
has such leave may provide compensation at the superintendent's 33272
current rate of pay for all lawfully accrued and unused vacation 33273
leave to the superintendent's credit at the time of separation, 33274
not to exceed the amount accrued within three years before the 33275
date of separation. In case of the death of a superintendent, such 33276
unused vacation leave as the board would have paid to this 33277
superintendent upon separation shall be paid in accordance with 33278
section 2113.04 of the Revised Code, or to the superintendent's 33279
estate. 33280

The superintendent shall be the executive officer for the 33281
board. ~~Except as otherwise provided in this section for local~~ 33282
~~school districts, the~~ The superintendent shall direct and assign 33283
teachers and other employees of the district or service center, 33284
except as provided in section 3319.04 of the Revised Code; assign 33285
the pupils to the proper schools and grades, provided that the 33286
assignment of a pupil to a school outside of the pupil's district 33287
of residence is approved by the board of the district of residence 33288
of such pupil; and perform such other duties as the board 33289
determines. ~~The service center superintendent shall exercise the~~ 33290
~~responsibilities of this section with regard to the assignment of~~ 33291
~~pupils and teachers for local school districts under the~~ 33292
~~supervision of the service center, except that the board of~~ 33293
~~education of a local school district and the governing board of~~ 33294
~~the educational service center of which the local district is a~~ 33295
~~part may enter into an agreement requiring the local~~ 33296
~~superintendent, instead of the superintendent of the educational~~ 33297
~~service center, to exercise the responsibilities of this section~~ 33298
~~with regard to the assignment of pupils and teachers for the local~~ 33299

~~school district.~~ 33300

The board of education of any school district may contract 33301
with the governing board of the educational service center from 33302
which it otherwise receives services to conduct searches and 33303
recruitment of candidates for the superintendent position 33304
authorized under this section. 33305

Sec. 3319.02. (A)(1) As used in this section, "other 33306
administrator" means ~~either~~ any of the following: 33307

(a) Except as provided in division (A)(2) of this section, 33308
any employee in a position for which a board of education requires 33309
a license designated by rule of the department of education for 33310
being an administrator issued under section 3319.22 of the Revised 33311
Code, including a professional pupil services employee or 33312
administrative specialist or an equivalent of either one who is 33313
not employed as a school counselor and spends less than fifty per 33314
cent of the time employed teaching or working with students; 33315

(b) Any nonlicensed employee whose job duties enable such 33316
employee to be considered as either a "supervisor" or a 33317
"management level employee," as defined in section 4117.01 of the 33318
Revised Code; 33319

(c) A business manager appointed under section 3319.03 of the 33320
Revised Code. 33321

(2) As used in this section, "other administrator" does not 33322
include a superintendent, assistant superintendent, principal, or 33323
assistant principal. 33324

(B) The board of education of each school district and the 33325
governing board of an educational service center may appoint one 33326
or more assistant superintendents and such other administrators as 33327
are necessary. An assistant educational service center 33328
superintendent or service center supervisor employed on a 33329

part-time basis may also be employed by a local board as a 33330
teacher. The board of each city, exempted village, and local 33331
school district shall employ principals for all high schools and 33332
for such other schools as the board designates, and those boards 33333
may appoint assistant principals for any school that they 33334
designate. 33335

(C) In educational service centers and in city ~~and~~, exempted 33336
village, and local school districts, assistant superintendents, 33337
principals, assistant principals, and other administrators shall 33338
only be employed or reemployed in accordance with nominations of 33339
the superintendent, except that a ~~city or exempted village~~ board 33340
of education of a school district or the governing board of a 33341
service center, by a three-fourths vote of its full membership, 33342
may reemploy any assistant superintendent, principal, assistant 33343
principal, or other administrator whom the superintendent refuses 33344
to nominate. ~~In local school districts, assistant superintendents,~~ 33345
~~principals, assistant principals, and other administrators shall~~ 33346
~~only be employed or reemployed in accordance with nominations of~~ 33347
~~the superintendent of the service center of which the local~~ 33348
~~district is a part, except that a local board of education, by a~~ 33349
~~three-fourths vote of its full membership, may reemploy any~~ 33350
~~assistant superintendent, principal, assistant principal, or other~~ 33351
~~administrator whom such superintendent refuses to nominate.~~ 33352

The board of education or governing board shall execute a 33353
written contract of employment with each assistant superintendent, 33354
principal, assistant principal, and other administrator it employs 33355
or reemploys. The term of such contract shall not exceed three 33356
years except that in the case of a person who has been employed as 33357
an assistant superintendent, principal, assistant principal, or 33358
other administrator in the district or center for three years or 33359
more, the term of the contract shall be for not more than five 33360
years and, unless the superintendent of the district recommends 33361

otherwise, not less than two years. If the superintendent so 33362
recommends, the term of the contract of a person who has been 33363
employed by the district or service center as an assistant 33364
superintendent, principal, assistant principal, or other 33365
administrator for three years or more may be one year, but all 33366
subsequent contracts granted such person shall be for a term of 33367
not less than two years and not more than five years. When a 33368
teacher with continuing service status becomes an assistant 33369
superintendent, principal, assistant principal, or other 33370
administrator with the district or service center with which the 33371
teacher holds continuing service status, the teacher retains such 33372
status in the teacher's nonadministrative position as provided in 33373
sections 3319.08 and 3319.09 of the Revised Code. 33374

A board of education or governing board may reemploy an 33375
assistant superintendent, principal, assistant principal, or other 33376
administrator at any regular or special meeting held during the 33377
period beginning on the first day of January of the calendar year 33378
immediately preceding the year of expiration of the employment 33379
contract and ending on the last day of March of the year the 33380
employment contract expires. 33381

Except by mutual agreement of the parties thereto, no 33382
assistant superintendent, principal, assistant principal, or other 33383
administrator shall be transferred during the life of a contract 33384
to a position of lesser responsibility. No contract may be 33385
terminated by a board except pursuant to section 3319.16 of the 33386
Revised Code. No contract may be suspended except pursuant to 33387
section 3319.17 or 3319.171 of the Revised Code. The salaries and 33388
compensation prescribed by such contracts shall not be reduced by 33389
a board unless such reduction is a part of a uniform plan 33390
affecting the entire district or center. The contract shall 33391
specify the employee's administrative position and duties as 33392
included in the job description adopted under division (D) of this 33393

section, the salary and other compensation to be paid for 33394
performance of duties, the number of days to be worked, the number 33395
of days of vacation leave, if any, and any paid holidays in the 33396
contractual year. 33397

An assistant superintendent, principal, assistant principal, 33398
or other administrator is, at the expiration of the current term 33399
of employment, deemed reemployed at the same salary plus any 33400
increments that may be authorized by the board, unless such 33401
employee notifies the board in writing to the contrary on or 33402
before the first day of June, or unless such board, on or before 33403
the last day of March of the year in which the contract of 33404
employment expires, either reemploys such employee for a 33405
succeeding term or gives written notice of its intention not to 33406
reemploy the employee. The term of reemployment of a person 33407
reemployed under this paragraph shall be one year, except that if 33408
such person has been employed by the school district or service 33409
center as an assistant superintendent, principal, assistant 33410
principal, or other administrator for three years or more, the 33411
term of reemployment shall be two years. 33412

(D)(1) Each board shall adopt procedures for the evaluation 33413
of all assistant superintendents, principals, assistant 33414
principals, and other administrators and shall evaluate such 33415
employees in accordance with those procedures. The evaluation 33416
based upon such procedures shall be considered by the board in 33417
deciding whether to renew the contract of employment of an 33418
assistant superintendent, principal, assistant principal, or other 33419
administrator. 33420

(2) The evaluation shall measure each assistant 33421
superintendent's, principal's, assistant principal's, and other 33422
administrator's effectiveness in performing the duties included in 33423
the job description and the evaluation procedures shall provide 33424
for, but not be limited to, the following: 33425

(a) Each assistant superintendent, principal, assistant principal, and other administrator shall be evaluated annually through a written evaluation process. 33426
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(b) The evaluation shall be conducted by the superintendent or designee. 33429
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(c) In order to provide time to show progress in correcting the deficiencies identified in the evaluation process, the evaluation process shall be completed as follows: 33431
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(i) In any school year that the employee's contract of employment is not due to expire, at least one evaluation shall be completed in that year. A written copy of the evaluation shall be provided to the employee no later than the end of the employee's contract year as defined by the employee's annual salary notice. 33434
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(ii) In any school year that the employee's contract of employment is due to expire, at least a preliminary evaluation and at least a final evaluation shall be completed in that year. A written copy of the preliminary evaluation shall be provided to the employee at least sixty days prior to any action by the board on the employee's contract of employment. The final evaluation shall indicate the superintendent's intended recommendation to the board regarding a contract of employment for the employee. A written copy of the evaluation shall be provided to the employee at least five days prior to the board's acting to renew or not renew the contract. 33439
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(3) Termination of an assistant superintendent, principal, assistant principal, or other administrator's contract shall be pursuant to section 3319.16 of the Revised Code. Suspension of any such employee shall be pursuant to section 3319.17 or 3319.171 of the Revised Code. 33450
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(4) Before taking action to renew or nonrenew the contract of an assistant superintendent, principal, assistant principal, or 33455
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other administrator under this section and prior to the last day 33457
of March of the year in which such employee's contract expires, 33458
the board shall notify each such employee of the date that the 33459
contract expires and that the employee may request a meeting with 33460
the board. Upon request by such an employee, the board shall grant 33461
the employee a meeting in executive session. In that meeting, the 33462
board shall discuss its reasons for considering renewal or 33463
nonrenewal of the contract. The employee shall be permitted to 33464
have a representative, chosen by the employee, present at the 33465
meeting. 33466

(5) The establishment of an evaluation procedure shall not 33467
create an expectancy of continued employment. Nothing in division 33468
(D) of this section shall prevent a board from making the final 33469
determination regarding the renewal or nonrenewal of the contract 33470
of any assistant superintendent, principal, assistant principal, 33471
or other administrator. However, if a board fails to provide 33472
evaluations pursuant to division (D)(2)(c)(i) or (ii) of this 33473
section, or if the board fails to provide at the request of the 33474
employee a meeting as prescribed in division (D)(4) of this 33475
section, the employee automatically shall be reemployed at the 33476
same salary plus any increments that may be authorized by the 33477
board for a period of one year, except that if the employee has 33478
been employed by the district or service center as an assistant 33479
superintendent, principal, assistant principal, or other 33480
administrator for three years or more, the period of reemployment 33481
shall be for two years. 33482

(E) On nomination of the superintendent of a service center a 33483
governing board may employ supervisors who shall be employed under 33484
written contracts of employment for terms not to exceed five years 33485
each. Such contracts may be terminated by a governing board 33486
pursuant to section 3319.16 of the Revised Code. Any supervisor 33487
employed pursuant to this division may terminate the contract of 33488

employment at the end of any school year after giving the board at 33489
least thirty days' written notice prior to such termination. On 33490
the recommendation of the superintendent the contract or contracts 33491
of any supervisor employed pursuant to this division may be 33492
suspended for the remainder of the term of any such contract 33493
pursuant to section 3319.17 or 3319.171 of the Revised Code. 33494

(F) A board may establish vacation leave for any individuals 33495
employed under this section. Upon such an individual's separation 33496
from employment, a board that has such leave may compensate such 33497
an individual at the individual's current rate of pay for all 33498
lawfully accrued and unused vacation leave credited at the time of 33499
separation, not to exceed the amount accrued within three years 33500
before the date of separation. In case of the death of an 33501
individual employed under this section, such unused vacation leave 33502
as the board would have paid to the individual upon separation 33503
under this section shall be paid in accordance with section 33504
2113.04 of the Revised Code, or to the estate. 33505

(G) The board of education of any school district may 33506
contract with the governing board of the educational service 33507
center from which it otherwise receives services to conduct 33508
searches and recruitment of candidates for assistant 33509
superintendent, principal, assistant principal, and other 33510
administrator positions authorized under this section. 33511

Sec. 3319.03. The board of education of each city, exempted 33512
village, and local school district may create the position of 33513
business manager. The board shall ~~elect~~ appoint such business 33514
manager who shall serve ~~for a term not to exceed four years unless~~ 33515
~~earlier removed for cause~~ pursuant to a contract in accordance 33516
with section 3319.02 of the Revised Code. A vacancy in this office 33517
~~shall be filled only for the unexpired term thereof.~~ In the 33518
discharge of all ~~his~~ official duties, the business manager may be 33519

directly responsible to the board, or to the superintendent of 33520
schools, as the board directs at the time of ~~election~~ appointment 33521
to the position. Where such business manager is responsible to the 33522
superintendent ~~he~~ the business manager shall be appointed by the 33523
superintendent and confirmed by the board. 33524

No board of education shall ~~elect~~ appoint or confirm as 33525
business manager any person who does not hold a valid business 33526
manager's license issued under section 3301.074 of the Revised 33527
Code. If the business manager fails to maintain a valid license, 33528
~~he~~ the business manager shall be removed by the board. 33529

Sec. 3319.07. (A) The board of education of each city, 33530
~~exempted village, and~~ local, and joint vocational school district 33531
shall employ the teachers of the public schools of their 33532
respective districts. 33533

The governing board of each educational service center may 33534
employ special instruction teachers, special education teachers, 33535
and teachers of academic courses in which there are too few 33536
students in each of the constituent local school districts or in 33537
city or exempted village school districts entering into agreements 33538
pursuant to section 3313.843 of the Revised Code to warrant each 33539
district's employing teachers for those courses. 33540

When any board makes appointments of teachers, the teachers 33541
in the employ of the board shall be considered before new teachers 33542
are chosen in their stead. In ~~city, exempted village, and joint~~ 33543
~~vocational~~ all school districts and in service centers no teacher 33544
shall be employed unless such person is nominated by the 33545
superintendent of such district or center. Such board, by a 33546
three-fourths vote of its full membership, may re-employ any 33547
teacher whom the superintendent refuses to appoint. ~~In local~~ 33548
~~school districts, no teacher shall be employed, except as provided~~ 33549
~~in division (B) of this section, unless nominated by the~~ 33550

~~superintendent of the service center of which such local school district is a part; by a majority vote of the full membership of such board, the board of education of any local school district may, after considering two nominations for any position made by the service center superintendent, reemploy a person not so nominated for such position.~~

(B) The board of education of ~~a local~~ any school district ~~and the board of education of the county school district of which the local district is a part~~ may enter into an agreement authorizing the superintendent of the local district, in lieu of the superintendent of the county district, to make nominations under this section for the employment of teachers in the local district. While such an agreement is in effect the board of education of the local district shall not employ any teacher unless the person is nominated by the superintendent of the district except that, by a three fourths vote of its full membership, it may re-employ any teacher whom the superintendent refuses to nominate may contract with the governing board of the educational service center from which it otherwise receives services to conduct searches and recruitment of candidates for teacher positions.

Sec. 3319.19. (A) Except as provided in division (D) of this section or division (A)(2) of section 3313.37 of the Revised Code, upon request, the board of county commissioners shall provide and equip offices in the county for the use of the superintendent of an educational service center, and shall provide heat, light, water, and janitorial services for such offices. Such offices shall be the permanent headquarters of the superintendent and shall be used by the governing board of the service center when it is in session. Except as provided in division (B) of this section, such offices shall be located in the county seat or, upon the approval of the governing board, may be located outside of the county seat.

(B) In the case of a service center formed under section 3311.053 or 3311.059 of the Revised Code, the governing board shall designate the site of its offices. Except as provided in division (D) of this section or division (A)(2) of section 3313.37 of the Revised Code, the board of county commissioners of the county in which the designated site is located shall provide and equip the offices as under division (A) of this section, but the costs of such offices and equipment shall be apportioned among the boards of county commissioners of all counties having any territory in the area under the control of the governing board, according to the proportion of local school district pupils under the supervision of such board residing in the respective counties. Where there is a dispute as to the amount any board of county commissioners is required to pay, the probate judge of the county in which the greatest number of pupils under the supervision of the governing board reside shall apportion such costs among the boards of county commissioners and notify each such board of its share of the costs.

(C) ~~Not~~ As used in division (C) of this section, in the case of a building, facility, or office space that a board of county commissioners leases or rents, "actual cost per square foot" means all cost on a per square foot basis incurred by the board under the lease or rental agreement. In the case of a building, facility, or office space that the board owns in fee simple, "actual cost per square foot" means the fair rental value on a per square foot basis of the building, facility, or office space either as compared to a similarly situated building, facility, or office space in the general vicinity or as calculated under a formula that accounts for depreciation, amortization of improvements, and other reasonable factors, including, but not limited to, parking space and other amenities.

Not later than the thirty-first day of March of 2002, 2003,

2004, and 2005 a board of county commissioners required to provide 33615
or equip offices pursuant to division (A) or (B) of this section 33616
shall make a written estimate of the total cost it will incur for 33617
the ensuing fiscal year to provide and equip the offices and to 33618
provide heat, light, water, and janitorial services for such 33619
offices. The total estimate of cost shall include: 33620

(1) The total square feet of space to be utilized by the 33621
educational service center; 33622

(2) The total square feet of any common areas that should be 33623
reasonably allocated to the center and the methodology for making 33624
this allocation; 33625

(3) The actual cost per square foot for both the space 33626
utilized by and the common area allocated to the center; 33627

(4) An explanation of the methodology used to determine the 33628
actual cost per square foot ~~cost~~; 33629

(5) The estimated cost of providing heat, light, and water, 33630
including an explanation of how these costs were determined; 33631

(6) The estimated cost of providing janitorial services 33632
including an explanation of the methodology used to determine this 33633
cost; 33634

(7) Any other estimated costs that the board anticipates it 33635
will occur and a detailed explanation of the costs and the 33636
rationale used to determine such costs. 33637

A copy of the total estimate of costs under this division 33638
shall be sent to the superintendent of the educational service 33639
center not later than the fifth day of April. The superintendent 33640
shall review the total estimate and shall notify the board of 33641
county commissioners not later than twenty days after receipt of 33642
the estimate of either agreement with the estimate or any specific 33643
objections to the estimates and the reasons for the objections. If 33644

the superintendent agrees with the estimate, it shall become the 33645
final total estimate of cost. Failure of the superintendent to 33646
make objections to the estimate by the twentieth day after receipt 33647
of it shall be deemed to mean that the superintendent is in 33648
agreement with the estimate. 33649

If the superintendent provides specific objections to the 33650
board of county commissioners, the board shall review the 33651
objections and may modify the original estimate and shall send a 33652
revised total estimate to the superintendent within ten days after 33653
the receipt of the superintendent's objections. The superintendent 33654
shall respond to the revised estimate within ten days after its 33655
receipt. If the superintendent agrees with it, it shall become the 33656
final total estimated cost. If the superintendent fails to respond 33657
within the required time, the superintendent shall be deemed to 33658
have agreed with the revised estimate. If the superintendent 33659
disagrees with the revised estimate, the superintendent shall send 33660
specific objections to the county commissioners. 33661

If a superintendent has sent specific objections to the 33662
revised estimate within the required time, the probate judge of 33663
the county which has the greatest number of resident local school 33664
district pupils under the supervision of the educational service 33665
center shall determine the final estimated cost and certify this 33666
amount to the superintendent and the board of county commissioners 33667
prior to the first day of July. 33668

(D)(1) A board of county commissioners shall be responsible 33669
for the following percentages of the final total estimated cost 33670
established by division (C) of this section: 33671

- (a) Eighty per cent for fiscal year 2003; 33672
- (b) Sixty per cent for fiscal year 2004; 33673
- (c) Forty per cent for fiscal year 2005; 33674
- (d) Twenty per cent for fiscal year 2006. 33675

In fiscal years 2003, 2004, 2005, and 2006 the educational service center shall be responsible for the remainder of any costs in excess of the amounts specified in division (D)(1)(a),(b), ~~or~~ (c), or (d) of this section, as applicable, associated with the provision and equipment of offices for the educational service center and for provision of heat, light, water, and janitorial services for such offices, including any unanticipated or unexpected increases in the costs beyond the final estimated cost amount.

Beginning in fiscal year 2007, no board of county commissioners shall have any obligation to provide and equip offices for an educational service center or to provide heat, light, water, or janitorial services for such offices.

(2) Nothing in this section shall prohibit the board of county commissioners and the governing board of an educational service center from entering into a contract for providing and equipping offices for the use of an educational service center and for providing heat, light, water, and janitorial services for such offices. The term of any such contract shall not exceed a period of four years and may be renewed for additional periods not to exceed four years. Any such contract shall supersede the provisions of division (D)(1) of this section and no educational service center may be charged, at any time, any additional amount for the county's provision of an office and equipment, heat, light, water, and janitorial services beyond the amount specified in such contract.

(3) No contract entered into under division (D)(2) of this section in any year prior to fiscal year 2007 between an educational service center formed under section 3311.053 or 3311.059 of the Revised Code and the board of county commissioners required to provide and equip its office pursuant to division (B) of this section shall take effect unless the boards of county

commissioners of all other counties required to participate in the 33708
funding for such offices pursuant to division (B) of this section 33709
adopt resolutions approving the contract. 33710

Sec. 3319.22. (A)(1) The state board of education shall adopt 33711
rules establishing the standards and requirements for obtaining 33712
temporary, associate, provisional, and professional educator 33713
licenses of any categories, types, and levels the board elects to 33714
provide. However, no educator license shall be required for 33715
teaching children two years old or younger. 33716

(2) If the state board requires any examinations for educator 33717
licensure, the department of education shall provide the results 33718
of such examinations received by the department to the Ohio board 33719
of regents, in the manner and to the extent permitted by state and 33720
federal law. 33721

(B) Any rules the state board of education adopts, amends, or 33722
rescinds for educator licenses under this section, division (D) of 33723
section 3301.07 of the Revised Code, or any other law shall be 33724
adopted, amended, or rescinded under Chapter 119. of the Revised 33725
Code except as follows: 33726

(1) Notwithstanding division (D) of section 119.03 and 33727
division (A)(1) of section 119.04 of the Revised Code, the 33728
effective date of any rules, or amendment or rescission of any 33729
rules, shall not be as prescribed in division (D) of section 33730
119.03 and division (A)(1) of section 119.04 of the Revised Code. 33731
Instead, the effective date shall be the date prescribed by 33732
section 3319.23 of the Revised Code. 33733

(2) Notwithstanding the authority to adopt, amend, or rescind 33734
emergency rules in division (F) of section 119.03 of the Revised 33735
Code, this authority shall not apply to the state board of 33736
education with regard to rules for educator licenses. 33737

(C)(1) The rules adopted under this section establishing 33738
standards requiring additional coursework for the renewal of any 33739
educator license shall require a school district and a chartered 33740
nonpublic school to establish local professional development 33741
committees. In a nonpublic school, the chief administrative 33742
officer shall establish the committees in any manner acceptable to 33743
such officer. The committees established under this division shall 33744
determine whether coursework that a district or chartered 33745
nonpublic school teacher proposes to complete meets the 33746
requirement of the rules. The rules shall establish a procedure by 33747
which a teacher may appeal the decision of a local professional 33748
development committee. 33749

(2) In any school district in which there is no exclusive 33750
representative established under Chapter 4117. of the Revised 33751
Code, the professional development committees shall be established 33752
as described in division (C)(2) of this section. 33753

Not later than the effective date of the rules adopted under 33754
this section, the board of education of each school district shall 33755
establish the structure for one or more local professional 33756
development committees to be operated by such school district. The 33757
committee structure so established by a district board shall 33758
remain in effect unless within thirty days prior to an anniversary 33759
of the date upon which the current committee structure was 33760
established, the board provides notice to all affected district 33761
employees that the committee structure is to be modified. 33762
Professional development committees may have a district-level or 33763
building-level scope of operations, and may be established with 33764
regard to particular grade or age levels for which an educator 33765
license is designated. 33766

Each professional development committee shall consist of at 33767
least three classroom teachers employed by the district, one 33768
principal employed by the district, and one other employee of the 33769

district appointed by the district superintendent. For committees 33770
with a building-level scope, the teacher and principal members 33771
shall be assigned to that building, and the teacher members shall 33772
be elected by majority vote of the classroom teachers assigned to 33773
that building. For committees with a district-level scope, the 33774
teacher members shall be elected by majority vote of the classroom 33775
teachers of the district, and the principal member shall be 33776
elected by a majority vote of the principals of the district, 33777
unless there are two or fewer principals employed by the district, 33778
in which case the one or two principals employed shall serve on 33779
the committee. If a committee has a particular grade or age level 33780
scope, the teacher members shall be licensed to teach such grade 33781
or age levels, and shall be elected by majority vote of the 33782
classroom teachers holding such a license and the principal shall 33783
be elected by all principals serving in buildings where any such 33784
teachers serve. The district superintendent shall appoint a 33785
replacement to fill any vacancy that occurs on a professional 33786
development committee, except in the case of vacancies among the 33787
elected classroom teacher members, which shall be filled by vote 33788
of the remaining members of the committee so selected. 33789

Terms of office on professional development committees shall 33790
be prescribed by the district board establishing the committees. 33791
The conduct of elections for members of professional development 33792
committees shall be prescribed by the district board establishing 33793
the committees. A professional development committee may include 33794
additional members, except that the majority of members on each 33795
such committee shall be classroom teachers employed by the 33796
district. Any member appointed to fill a vacancy occurring prior 33797
to the expiration date of the term for which a predecessor was 33798
appointed shall hold office as a member for the remainder of that 33799
term. 33800

The initial meeting of any professional development 33801

committee, upon election and appointment of all committee members, 33802
shall be called by a member designated by the district 33803
superintendent. At this initial meeting, the committee shall 33804
select a chairperson and such other officers the committee deems 33805
necessary, and shall adopt rules for the conduct of its meetings. 33806
Thereafter, the committee shall meet at the call of the 33807
chairperson or upon the filing of a petition with the district 33808
superintendent signed by a majority of the committee members 33809
calling for the committee to meet. 33810

(3) In the case of a school district in which an exclusive 33811
representative has been established pursuant to Chapter 4117. of 33812
the Revised Code, professional development committees shall be 33813
established in accordance with any collective bargaining agreement 33814
in effect in the district that includes provisions for such 33815
committees. 33816

If the collective bargaining agreement does not specify a 33817
different method for the selection of teacher members of the 33818
committees, the exclusive representative of the district's 33819
teachers shall select the teacher members. 33820

If the collective bargaining agreement does not specify a 33821
different structure for the committees, the board of education of 33822
the school district shall establish the structure, including the 33823
number of committees and the number of teacher and administrative 33824
members on each committee; the specific administrative members to 33825
be part of each committee; whether the scope of the committees 33826
will be district levels, building levels, or by type of grade or 33827
age levels for which educator licenses are designated; the lengths 33828
of terms for members; the manner of filling vacancies on the 33829
committees; and the frequency and time and place of meetings. 33830
However, in all cases, except as provided in division (C)(4) of 33831
this section, there shall be a majority of teacher members of any 33832
professional development committee, there shall be at least five 33833

total members of any professional development committee, and the 33834
exclusive representative shall designate replacement members in 33835
the case of vacancies among teacher members, unless the collective 33836
bargaining agreement specifies a different method of selecting 33837
such replacements. 33838

(4) Whenever an administrator's coursework plan is being 33839
discussed or voted upon, the local professional development 33840
committee shall, at the request of one of its administrative 33841
members, cause a majority of the committee to consist of 33842
administrative members by reducing the number of teacher members 33843
voting on the plan. 33844

(D)(1) The department of education, educational service 33845
centers, county boards of mental retardation and developmental 33846
disabilities, regional professional development centers, special 33847
education regional resource centers, college and university 33848
departments of education, head start programs, the Ohio SchoolNet 33849
commission, and the Ohio education computer network may establish 33850
local professional development committees to determine whether the 33851
coursework proposed by their employees who are licensed or 33852
certificated under this section or section 3319.222 of the Revised 33853
Code meet the requirements of the rules adopted under this 33854
section. They may establish local professional development 33855
committees on their own or in collaboration with a school district 33856
or other agency having authority to establish them. 33857

Local professional development committees established by 33858
county boards of mental retardation and developmental disabilities 33859
shall be structured in a manner comparable to the structures 33860
prescribed for school districts in divisions (C)(2) and (3) of 33861
this section, as shall the committees established by any other 33862
entity specified in division (D)(1) of this section that provides 33863
educational services by employing or contracting for services of 33864
classroom teachers licensed or certificated under this section or 33865

section 3319.222 of the Revised Code. All other entities specified 33866
in division (D)(1) of this section shall structure their 33867
committees in accordance with guidelines which shall be issued by 33868
the state board. 33869

(2) Any public agency that is not specified in division 33870
(D)(1) of this section but provides educational services and 33871
employs or contracts for services of classroom teachers licensed 33872
or certificated under this section or section 3319.222 of the 33873
Revised Code may establish a local professional development 33874
committee, subject to the approval of the department of education. 33875
The committee shall be structured in accordance with guidelines 33876
issued by the state board. 33877

Sec. 3319.33. On or before the first day of August in each 33878
year, the board of education of each city ~~and~~ and exempted village, 33879
and local school district shall report to the state board of 33880
education, ~~and the board of each local school district shall~~ 33881
~~report to the superintendent of the educational service center,~~ 33882
the school statistics of its district. Such report shall be made 33883
on forms furnished by the state board of education and shall 33884
contain such information as the state board of education requires. 33885
The report shall also set forth with respect to each civil 33886
proceeding in which the board of education is a defendant and each 33887
civil proceeding in which the board of education is a party and is 33888
not a defendant and in which one of the other parties is a board 33889
of education in this state or an officer, board, or official of 33890
this state: 33891

(A) The nature of the proceeding; 33892

(B) The capacity in which the board is a party to the 33893
proceeding; 33894

(C) The total expenses incurred by the board with respect to 33895
the proceeding; 33896

(D) The total expenses incurred by the board with respect to 33897
the proceeding during the reporting period. 33898

Divisions (A) to (D) of this section do not apply to any 33899
proceeding for which no expenses have been incurred during the 33900
reporting period. 33901

The board of education of each city ~~and~~, exempted village, 33902
and local school district may prepare and publish annually a 33903
report of the condition and administration of the schools under 33904
its supervision which shall include therein an exhibit of the 33905
financial affairs of the district and the information required in 33906
divisions (A) to (D) of this section. Such annual report shall be 33907
for a full year. 33908

Sec. 3319.36. (A) No treasurer of a board of education or 33909
educational service center shall draw a check for the payment of a 33910
teacher for services until the teacher files with the treasurer 33911
both of the following: 33912

(1) Such reports as are required by the state board of 33913
education, the school district board of education, or the 33914
superintendent of schools; 33915

(2) Except for a teacher who is engaged pursuant to section 33916
3319.301 of the Revised Code ~~and except as provided under division~~ 33917
~~(B) of this section~~, a written statement from the city ~~or~~, 33918
exempted village, or local school district superintendent or the 33919
educational service center superintendent that the teacher has 33920
filed with the treasurer a legal educator license or internship 33921
certificate, or true copy of it, to teach the subjects or grades 33922
taught, with the dates of its validity. The state board of 33923
education shall prescribe the record and administration for such 33924
filing of educator licenses and internship certificates in 33925
educational service centers. 33926

~~(B) If the board of education of a local school district and the governing board of the educational service center of which the local district is a part have entered into an agreement under division (B) of section 3319.07 of the Revised Code, the agreement may also require the superintendent of the local school district, instead of the superintendent of the educational service center, to administer the filing of educator licenses and internship certificates for the local school district and to provide to the teachers of the district the written statements required in division (A)(2) of this section. While such an agreement is in effect between a local school district and an educational service center, a teacher employed by the local district shall file a legal educator license or internship certificate, or true copy of it, with the superintendent of the local district and that superintendent shall provide to the teacher the written statement required by division (A)(2) of this section.~~

~~(C)~~ Notwithstanding division (A) of this section, the treasurer may pay either of the following:

(1) Any teacher for services rendered during the first two months of the teacher's initial employment with the school district or educational service center, provided such teacher is the holder of a bachelor's degree or higher and has filed with the state board of education an application for the issuance of a provisional or professional educator license.

(2) Any substitute teacher for services rendered while conditionally employed under section 3319.101 of the Revised Code.

~~(D)~~(C) Upon notice to the treasurer given by the state board of education or any superintendent having jurisdiction that reports required of a teacher have not been made, the treasurer shall withhold the salary of the teacher until the required reports are completed and furnished.

Sec. 3319.55. (A) A grant program is hereby established to 33958
recognize and reward public school teachers who hold valid 33959
teaching certificates or licenses issued by the national board for 33960
professional teaching standards. The superintendent of public 33961
instruction shall administer this program in accordance with this 33962
section and rules which the state board of education shall adopt 33963
in accordance with Chapter 119. of the Revised Code. 33964

In each fiscal year that the general assembly appropriates 33965
funds for purposes of this section, the superintendent of public 33966
instruction shall award a grant to each person who, by the first 33967
day of August of that year and in accordance with the rules 33968
adopted under this section, submits to the superintendent evidence 33969
indicating ~~both~~ all of the following: 33970

(1) The person holds a valid certificate or license issued by 33971
the national board for professional teaching standards; 33972

(2) The person was employed full-time as a teacher by the 33973
board of education of a school district in this state during the 33974
school year that immediately preceded the fiscal year; 33975

(3) The date the person was accepted into the national board 33976
certification or licensure program. 33977

An individual may receive a grant under this section in each 33978
fiscal year the person is eligible for a grant and submits 33979
evidence of that eligibility in accordance with this section. 33980

(B) The amount of the grant awarded to each eligible person 33981
under division (A) of this section in any fiscal year shall equal 33982
~~two~~ the following: 33983

(1) Two thousand five hundred dollars except that for any 33984
teacher accepted as a candidate for certification or licensure by 33985
the national board on or before May 31, 2003, and issued a 33986
certificate or license by the national board on or before December 33987

<u>31, 2004;</u>	33988
<u>(2) One thousand dollars for any other teacher issued a certificate or license by the national board.</u>	33989
	33990
<u>However</u> , if the funds appropriated for purposes of this section in any fiscal year are not sufficient to award the full grant amount to each person who is eligible in that fiscal year, the <u>superintendent shall prorate the amount of the grant awarded</u> in that fiscal year to each eligible person shall equal the amount obtained by dividing the total amount of funds appropriated for purposes of this section in the fiscal year by the total number of persons eligible for a grant under this section for the fiscal year.	33991
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Sec. 3323.16. No unit for deaf children shall be disapproved for funding under division (B) or (D)(1) of section 3317.05 of the Revised Code on the basis of the methods of instruction used in educational programs in the school district or institution to teach deaf children to communicate, and no preference in approving units for funding shall be given by the state board for teaching deaf children by the oral, manual, total communication, or other method of instruction.	34000
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Sec. 3327.01. Notwithstanding division (D) of section 3311.19 and division (D) of section 3311.52 of the Revised Code, this section and sections 3327.011, 3327.012, and 3327.02 of the Revised Code do not apply to any joint vocational or cooperative education school district.	34008
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	34012
In all city, local, and exempted village school districts where resident school pupils in grades kindergarten through eight live more than two miles from the school for which the state board of education prescribes minimum standards pursuant to division (D) of section 3301.07 of the Revised Code and to which they are	34013
	34014
	34015
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assigned by the board of education of the district of residence or 34018
to and from the nonpublic or community school which they attend 34019
the board of education shall provide transportation for such 34020
pupils to and from such school except as provided in section 34021
3327.02 of the Revised Code. 34022

In all city, local, and exempted village school districts the 34023
board may provide transportation for resident school pupils in 34024
grades nine through twelve to and from the high school to which 34025
they are assigned by the board of education of the district of 34026
residence or to and from the nonpublic or community high school 34027
which they attend for which the state board of education 34028
prescribes minimum standards pursuant to division (D) of section 34029
3301.07 of the Revised Code. 34030

A board of education shall not be required to transport 34031
elementary or high school pupils to and from a nonpublic or 34032
community school where such transportation would require more than 34033
thirty minutes of direct travel time as measured by school bus 34034
from the collection point as designated by ~~the coordinator of~~ 34035
~~school transportation, appointed under section 3327.011 of the~~ 34036
~~Revised Code, for the attendance area of~~ the district of 34037
residence. 34038

Where it is impractical to transport a pupil by school 34039
conveyance, a board of education may offer payment, in lieu of 34040
providing such transportation in accordance with section 3327.02 34041
of the Revised Code. 34042

In all city, local, and exempted village school districts the 34043
board shall provide transportation for all children who are so 34044
crippled that they are unable to walk to and from the school for 34045
which the state board of education prescribes minimum standards 34046
pursuant to division (D) of section 3301.07 of the Revised Code 34047
and which they attend. In case of dispute whether the child is 34048
able to walk to and from the school, the health commissioner shall 34049

be the judge of such ability. In all city, exempted village, and 34050
local school districts the board shall provide transportation to 34051
and from school or special education classes for educable mentally 34052
retarded children in accordance with standards adopted by the 34053
state board of education. 34054

When transportation of pupils is provided the conveyance 34055
shall be run on a time schedule that shall be adopted and put in 34056
force by the board not later than ten days after the beginning of 34057
the school term. 34058

The cost of any transportation service authorized by this 34059
section shall be paid first out of federal funds, if any, 34060
available for the purpose of pupil transportation, and secondly 34061
out of state appropriations, in accordance with regulations 34062
adopted by the state board of education. 34063

No transportation of any pupils shall be provided by any 34064
board of education to or from any school which in the selection of 34065
pupils, faculty members, or employees, practices discrimination 34066
against any person on the grounds of race, color, religion, or 34067
national origin. 34068

~~Sec. 3327.011. Coordinators of school transportation shall be 34069
appointed according to provisions of section 3301.13 of the 34070
Revised Code to assure that each pupil, as provided in section 34071
3327.01 of the Revised Code, is transported to and from the school 34072
which he attends in a safe, expedient, and economical manner using 34073
public school collection points, routes, and schedules. 34074~~

In determining how best to provide ~~such~~ transportation, where 34075
persons or firms on or after April 1, 1965, were providing 34076
transportation to and from schools pursuant to contracts with 34077
persons or agencies responsible for the operation of such schools, 34078
~~a coordinator or~~ the board of education responsible for 34079
transportation in accordance with section 3327.01 of the Revised 34080

Code shall give preference if economically feasible during the 34081
term of any such contract to the firm or person providing such 34082
transportation. The boards of education within the county or group 34083
of counties shall ~~recommend to the coordinator of~~ establish 34084
transportation routes, schedules, and utilization of 34085
transportation equipment. ~~The coordinator, upon receipt of such~~ 34086
~~recommendations, shall establish transportation routes, schedules,~~ 34087
~~and utilization of transportation equipment, following such~~ 34088
~~recommendations to whatever extent is feasible.~~ The appeals from 34089
the determination of the ~~coordinator~~ board of education 34090
responsible for transportation shall be taken to the state board 34091
of education. 34092

Sec. 3329.06. The board of education of each city, exempted 34093
village, and local school district shall furnish, free of charge, 34094
the necessary textbooks to the pupils attending the public 34095
schools. In lieu of textbooks, district boards may furnish 34096
electronic textbooks to pupils attending the public schools, 34097
provided the electronic textbooks are furnished free of charge. A 34098
district board that chooses to furnish electronic textbooks to 34099
pupils attending school in the district shall provide reasonable 34100
access to the electronic textbooks and other necessary computer 34101
equipment to pupils in the district who are required to complete 34102
homework assignments, and teachers providing homework assignments, 34103
utilizing electronic textbooks furnished by the district board. 34104
Pupils wholly or in part supplied with necessary textbooks or 34105
electronic textbooks shall be supplied only as other or new 34106
textbooks or electronic textbooks are needed. ~~A board may limit~~ 34107
~~its purchase and ownership of textbooks or electronic textbooks~~ 34108
~~needed for its schools to six subjects per year, the cost of which~~ 34109
~~shall not exceed twenty five per cent of the entire cost of~~ 34110
~~adoption.~~ All textbooks or electronic textbooks furnished as 34111
provided in this section shall be the property of the district, 34112

and loaned to the pupils on such terms as each such board 34113
prescribes. In order to carry out sections 3329.01 to 3329.10 of 34114
the Revised Code, each board, in the preparation of its annual 34115
budget, shall include as a separate item the amount which the 34116
board finds necessary to administer such sections and such amount 34117
shall not be subject to transfer to any other fund. 34118

Sec. 3329.08. At any regular meeting, the board of education 34119
of each local school district, from lists adopted by the 34120
educational service center governing board, and the board of 34121
education of each city and exempted village school district shall 34122
determine by a majority vote of all members elected or appointed 34123
under division (B) or (F) of section 3311.71 of the Revised Code 34124
which of such textbooks or electronic textbooks so filed shall be 34125
used in the schools under its control. ~~Except for periodic and~~ 34126
~~normal updating of electronic textbooks, no textbooks or~~ 34127
~~electronic textbooks shall be changed, nor any part thereof~~ 34128
~~altered or revised, nor any other textbook or electronic textbook~~ 34129
~~substituted therefor, within four years after the date of~~ 34130
~~selection and adoption thereof, as shown by the official records~~ 34131
~~of such boards, except by the consent, at a regular meeting, of~~ 34132
~~four fifths of all members elected thereto. Textbooks or~~ 34133
~~electronic textbooks so substituted shall be adopted for the full~~ 34134
~~term of four years.~~ 34135

Sec. 3332.04. The state board of career colleges and schools 34136
may appoint an executive director and such other staff as may be 34137
required for the performance of the board's duties and provide 34138
necessary facilities. In selecting an executive director, the 34139
board shall appoint an individual with a background or experience 34140
in the regulation of commerce, business, or education. The board 34141
may also arrange for services and facilities to be provided by the 34142
state board of education and the Ohio board of regents. All 34143

receipts of the board shall be deposited in the state treasury to 34144
the credit of the ~~general revenue~~ occupational licensing and 34145
regulatory fund. 34146

Sec. 3333.12. (A) As used in this section: 34147

(1) "Eligible student" means an undergraduate student who is: 34148

(a) An Ohio resident; 34149

(b) Enrolled in either of the following: 34150

(i) An accredited institution of higher education in this 34151
state that meets the requirements of Title VI of the Civil Rights 34152
Act of 1964 and is state-assisted, is nonprofit and has a 34153
certificate of authorization from the Ohio board of regents 34154
pursuant to Chapter 1713. of the Revised Code, has a certificate 34155
of registration from the state board of career colleges and 34156
schools and program authorization to award an associate or 34157
bachelor's degree, or is a private institution exempt from 34158
regulation under Chapter 3332. of the Revised Code as prescribed 34159
in section 3333.046 of the Revised Code. Students who attend an 34160
institution that holds a certificate of registration shall be 34161
enrolled in a program leading to an associate or bachelor's degree 34162
for which associate or bachelor's degree program the institution 34163
has program authorization issued under section 3332.05 of the 34164
Revised Code. 34165

(ii) A technical education program of at least two years 34166
duration sponsored by a private institution of higher education in 34167
this state that meets the requirements of Title VI of the Civil 34168
Rights Act of 1964. 34169

(c) Enrolled as a full-time student or enrolled as a less 34170
than full-time student for the term expected to be the student's 34171
final term of enrollment and is enrolled for the number of credit 34172
hours necessary to complete the requirements of the program in 34173

which the student is enrolled. 34174

(2) "Gross income" includes all taxable and nontaxable income 34175
of the parents, the student, and the student's spouse, except 34176
income derived from an Ohio academic scholarship, income earned by 34177
the student between the last day of the spring term and the first 34178
day of the fall term, and other income exclusions designated by 34179
the board. Gross income may be verified to the board by the 34180
institution in which the student is enrolled using the federal 34181
financial aid eligibility verification process or by other means 34182
satisfactory to the board. 34183

(3) "Resident," "full-time student," "dependent," 34184
"financially independent," and "accredited" shall be defined by 34185
rules adopted by the board. 34186

(B) The Ohio board of regents shall establish and administer 34187
an instructional grant program and may adopt rules to carry out 34188
this section. The general assembly shall support the instructional 34189
grant program by such sums and in such manner as it may provide, 34190
but the board may also receive funds from other sources to support 34191
the program. If the amounts available for support of the program 34192
are inadequate to provide grants to all eligible students, 34193
preference in the payment of grants shall be given in terms of 34194
income, beginning with the lowest income category of gross income 34195
and proceeding upward by category to the highest gross income 34196
category. 34197

An instructional grant shall be paid to an eligible student 34198
through the institution in which the student is enrolled, except 34199
that no instructional grant shall be paid to any person serving a 34200
term of imprisonment. Applications for such grants shall be made 34201
as prescribed by the board, and such applications may be made in 34202
conjunction with and upon the basis of information provided in 34203
conjunction with student assistance programs funded by agencies of 34204
the United States government or from financial resources of the 34205

institution of higher education. The institution shall certify 34206
that the student applicant meets the requirements set forth in 34207
divisions (A)(1)(b) and (c) of this section. Instructional grants 34208
shall be provided to an eligible student only as long as the 34209
student is making appropriate progress toward a nursing diploma or 34210
an associate or bachelor's degree. No student shall be eligible to 34211
receive a grant for more than ten semesters, fifteen quarters, or 34212
the equivalent of five academic years. A grant made to an eligible 34213
student on the basis of less than full-time enrollment shall be 34214
based on the number of credit hours for which the student is 34215
enrolled and shall be computed in accordance with a formula 34216
adopted by the board. No student shall receive more than one grant 34217
on the basis of less than full-time enrollment. 34218

An instructional grant shall not exceed the total 34219
instructional and general charges of the institution. 34220

(C) The tables in this division prescribe the maximum grant 34221
amounts covering two semesters, three quarters, or a comparable 34222
portion of one academic year. Grant amounts for additional terms 34223
in the same academic year shall be determined under division (D) 34224
of this section. 34225

For a full-time student who is a dependent and enrolled in a 34226
nonprofit educational institution that is not a state-assisted 34227
institution and that has a certificate of authorization issued 34228
pursuant to Chapter 1713. of the Revised Code, the amount of the 34229
instructional grant for two semesters, three quarters, or a 34230
comparable portion of the academic year shall be determined in 34231
accordance with the following table: 34232

		34233
	Private Institution	34234
	Table of Grants	34235
	Maximum Grant \$5,466	34236
Gross Income	Number of Dependents	34237

	1	2	3	4	5 or more	34238
\$0 - \$15,000	\$5,466	\$5,466	\$5,466	\$5,466	\$5,466	34239
\$15,001 - \$16,000	4,920	5,466	5,466	5,466	5,466	34240
\$16,001 - \$17,000	4,362	4,920	5,466	5,466	5,466	34241
\$17,001 - \$18,000	3,828	4,362	4,920	5,466	5,466	34242
\$18,001 - \$19,000	3,288	3,828	4,362	4,920	5,466	34243
\$19,001 - \$22,000	2,736	3,288	3,828	4,362	4,920	34244
\$22,001 - \$25,000	2,178	2,736	3,288	3,828	4,362	34245
\$25,001 - \$28,000	1,626	2,178	2,736	3,288	3,828	34246
\$28,001 - \$31,000	1,344	1,626	2,178	2,736	3,288	34247
\$31,001 - \$32,000	1,080	1,344	1,626	2,178	2,736	34248
\$32,001 - \$33,000	984	1,080	1,344	1,626	2,178	34249
\$33,001 - \$34,000	888	984	1,080	1,344	1,626	34250
\$34,001 - \$35,000	444	888	984	1,080	1,344	34251
\$35,001 - \$36,000	--	444	888	984	1,080	34252
\$36,001 - \$37,000	--	--	444	888	984	34253
\$37,001 - \$38,000	--	--	--	444	888	34254
\$38,001 - \$39,000	--	--	--	--	444	34255

For a full-time student who is financially independent and 34256
enrolled in a nonprofit educational institution that is not a 34257
state-assisted institution and that has a certificate of 34258
authorization issued pursuant to Chapter 1713. of the Revised 34259
Code, the amount of the instructional grant for two semesters, 34260
three quarters, or a comparable portion of the academic year shall 34261
be determined in accordance with the following table: 34262

Private Institution						34264
Table of Grants						34265
Maximum Grant \$5,466						34266
Gross Income	Number of Dependents					34267
	0	1	2	3	4	5 or more
						34268

\$0 - \$4,800	\$5,466	\$5,466	\$5,466	\$5,466	\$5,466	\$5,466	\$5,466	34269
\$4,801 - \$5,300	4,920	5,466	5,466	5,466	5,466	5,466	5,466	34270
\$5,301 - \$5,800	4,362	4,920	5,466	5,466	5,466	5,466	5,466	34271
		<u>5,196</u>						34272
\$5,801 - \$6,300	3,828	4,362	4,920	5,466	5,466	5,466	5,466	34273
		<u>4,914</u>	<u>5,196</u>					34274
\$6,301 - \$6,800	3,288	3,828	4,362	4,920	5,466	5,466	5,466	34275
		<u>4,650</u>	<u>4,914</u>	<u>5,196</u>				34276
\$6,801 - \$7,300	2,736	3,288	3,828	4,362	4,920	5,466	5,466	34277
		<u>4,380</u>	<u>4,650</u>	<u>4,914</u>	<u>5,196</u>			34278
\$7,301 - \$8,300	2,178	2,736	3,288	3,828	4,362	4,920	5,466	34279
		<u>4,104</u>	<u>4,380</u>	<u>4,650</u>	<u>4,914</u>	<u>5,196</u>		34280
\$8,301 - \$9,300	1,626	2,178	2,736	3,288	3,828	4,362	5,466	34281
		<u>3,822</u>	<u>4,104</u>	<u>4,380</u>	<u>4,650</u>	<u>4,914</u>		34282
\$9,301 - \$10,300	1,344	1,626	2,178	2,736	3,288	3,828	5,466	34283
		<u>3,546</u>	<u>3,822</u>	<u>4,104</u>	<u>4,380</u>	<u>4,650</u>		34284
\$10,301 - \$11,800	1,080	1,344	1,626	2,178	2,736	3,288	5,466	34285
		<u>3,408</u>	<u>3,546</u>	<u>3,822</u>	<u>4,104</u>	<u>4,380</u>		34286
\$11,801 - \$13,300	984	1,080	1,344	1,626	2,178	2,736	5,466	34287
		<u>3,276</u>	<u>3,408</u>	<u>3,546</u>	<u>3,822</u>	<u>4,104</u>		34288
\$13,301 - \$14,800	888	984	1,080	1,344	1,626	2,178	5,466	34289
		<u>3,228</u>	<u>3,276</u>	<u>3,408</u>	<u>3,546</u>	<u>3,822</u>		34290
\$14,801 - \$16,300	444	888	984	1,080	1,344	1,626	5,466	34291
		<u>2,904</u>	<u>3,228</u>	<u>3,276</u>	<u>3,408</u>	<u>3,546</u>		34292
\$16,301 - \$19,300	--	444	888	984	1,080	1,344	5,466	34293
		<u>2,136</u>	<u>2,628</u>	<u>2,952</u>	<u>3,276</u>	<u>3,408</u>		34294
\$19,301 - \$22,300	--	—	444	888	984	1,080	5,466	34295
		<u>1,368</u>	<u>1,866</u>	<u>2,358</u>	<u>2,676</u>	<u>3,000</u>		34296
\$22,301 - \$25,300	--	—	—	444	888	984	5,466	34297
		<u>1,092</u>	<u>1,368</u>	<u>1,866</u>	<u>2,358</u>	<u>2,676</u>		34298
\$25,301 - \$30,300	--	—	—	—	444	888	5,466	34299
		<u>816</u>	<u>1,092</u>	<u>1,368</u>	<u>1,866</u>	<u>2,358</u>		34300
\$30,301 - \$35,300	--	—	—	—	—	444	5,466	34301

492 540 672 816 1,314 34302

For a full-time student who is a dependent and enrolled in an educational institution that holds a certificate of registration from the state board of career colleges and schools or a private institution exempt from regulation under Chapter 3332. of the Revised Code as prescribed in section 3333.046 of the Revised Code, the amount of the instructional grant for two semesters, three quarters, or a comparable portion of the academic year shall be determined in accordance with the following table:

Career Institution 34311

Table of Grants 34312

Maximum Grant \$4,632 34313

Gross Income Number of Dependents 34314

	1	2	3	4	5 or more	
\$0 - \$15,000	\$4,632	\$4,632	\$4,632	\$4,632	\$4,632	34315
\$15,001 - \$16,000	4,182	4,632	4,632	4,632	4,632	34316
\$16,001 - \$17,000	3,684	4,182	4,632	4,632	4,632	34317
\$17,001 - \$18,000	3,222	3,684	4,182	4,632	4,632	34318
\$18,001 - \$19,000	2,790	3,222	3,684	4,182	4,632	34319
\$19,001 - \$22,000	2,292	2,790	3,222	3,684	4,182	34320
\$22,001 - \$25,000	1,854	2,292	2,790	3,222	3,684	34321
\$25,001 - \$28,000	1,416	1,854	2,292	2,790	3,222	34322
\$28,001 - \$31,000	1,134	1,416	1,854	2,292	2,790	34323
\$31,001 - \$32,000	906	1,134	1,416	1,854	2,292	34324
\$32,001 - \$33,000	852	906	1,134	1,416	1,854	34325
\$33,001 - \$34,000	750	852	906	1,134	1,416	34326
\$34,001 - \$35,000	372	750	852	906	1,134	34327
\$35,001 - \$36,000	--	372	750	852	906	34328
\$36,001 - \$37,000	--	--	372	750	852	34329
\$37,001 - \$38,000	--	--	--	372	750	34330
\$38,001 - \$39,000	--	--	--	--	372	34331
						34332

For a full-time student who is financially independent and 34333
enrolled in an educational institution that holds a certificate of 34334
registration from the state board of career colleges and schools 34335
or a private institution exempt from regulation under Chapter 34336
3332. of the Revised Code as prescribed in section 3333.046 of the 34337
Revised Code, the amount of the instructional grant for two 34338
semesters, three quarters, or a comparable portion of the academic 34339
year shall be determined in accordance with the following table: 34340

Career Institution 34341

Table of Grants 34342

Maximum Grant \$4,632 34343

Gross Income

Number of Dependents 34344

	0	1	2	3	4	5 or more	
\$0 - \$4,800	\$4,632	\$4,632	\$4,632	\$4,632	\$4,632	\$4,632	34345
\$4,801 - \$5,300	4,182	4,632	4,632	4,632	4,632	4,632	34346
\$5,301 - \$5,800	3,684	4,182 <u>4,410</u>	4,632	4,632	4,632	4,632	34347
\$5,801 - \$6,300	3,222	3,684 <u>4,158</u>	4,182 <u>4,410</u>	4,632	4,632	4,632	34348
\$6,301 - \$6,800	2,790	3,222 <u>3,930</u>	3,684 <u>4,158</u>	4,182 <u>4,410</u>	4,632	4,632	34349
\$6,801 - \$7,300	2,292	2,790 <u>3,714</u>	3,222 <u>3,930</u>	3,684 <u>4,158</u>	4,182 <u>4,410</u>	4,632	34350
\$7,301 - \$8,300	1,854	2,292 <u>3,462</u>	2,790 <u>3,714</u>	3,222 <u>3,930</u>	3,684 <u>4,158</u>	4,182 <u>4,410</u>	34351
\$8,301 - \$9,300	1,416	1,854 <u>3,246</u>	2,292 <u>3,462</u>	2,790 <u>3,714</u>	3,222 <u>3,930</u>	3,684 <u>4,158</u>	34352
\$9,301 - \$10,300	1,134	1,416 <u>3,024</u>	1,854 <u>3,246</u>	2,292 <u>3,462</u>	2,790 <u>3,714</u>	3,222 <u>3,930</u>	34353
\$10,301 - \$11,800	906	1,134 <u>2,886</u>	1,416 <u>3,024</u>	1,854 <u>3,246</u>	2,292 <u>3,462</u>	2,790 <u>3,714</u>	34354
\$11,801 - \$13,300	852	906	1,134	1,416	1,854	2,292	34355

			<u>2,772</u>	<u>2,886</u>	<u>3,024</u>	<u>3,246</u>	<u>3,462</u>	34365
\$13,301 - \$14,800	750	852	906	1,134	1,416	1,854		34366
		<u>2,742</u>	<u>2,772</u>	<u>2,886</u>	<u>3,024</u>	<u>3,246</u>		34367
\$14,801 - \$16,300	372	750	852	906	1,134	1,416		34368
		<u>2,466</u>	<u>2,742</u>	<u>2,772</u>	<u>2,886</u>	<u>3,024</u>		34369
\$16,301 - \$19,300	--	372	750	852	906	1,134		34370
		<u>1,800</u>	<u>2,220</u>	<u>2,520</u>	<u>2,772</u>	<u>2,886</u>		34371
\$19,301 - \$22,300	--	—	372	750	852	906		34372
		<u>1,146</u>	<u>1,584</u>	<u>1,986</u>	<u>2,268</u>	<u>2,544</u>		34373
\$22,301 - \$25,300	--	—	—	372	750	852		34374
		<u>930</u>	<u>1,146</u>	<u>1,584</u>	<u>1,986</u>	<u>2,268</u>		34375
\$25,301 - \$30,300	--	—	—	—	372	750		34376
		<u>708</u>	<u>930</u>	<u>1,146</u>	<u>1,584</u>	<u>1,986</u>		34377
\$30,301 - \$35,300	--	—	—	—	—	372		34378
		<u>426</u>	<u>456</u>	<u>570</u>	<u>708</u>	<u>1,116</u>		34379

For a full-time student who is a dependent and enrolled in a state-assisted educational institution, the amount of the instructional grant for two semesters, three quarters, or a comparable portion of the academic year shall be determined in accordance with the following table:

		Public Institution					
		Table of Grants					
		Maximum Grant \$2,190					
Gross Income	Number of Dependents						
	1	2	3	4	5 or more		
\$0 - \$15,000	\$2,190	\$2,190	\$2,190	\$2,190	\$2,190	34389	
\$15,001 - \$16,000	1,974	2,190	2,190	2,190	2,190	34390	
\$16,001 - \$17,000	1,740	1,974	2,190	2,190	2,190	34391	
\$17,001 - \$18,000	1,542	1,740	1,974	2,190	2,190	34392	
\$18,001 - \$19,000	1,320	1,542	1,740	1,974	2,190	34393	
\$19,001 - \$22,000	1,080	1,320	1,542	1,740	1,974	34394	
\$22,001 - \$25,000	864	1,080	1,320	1,542	1,740	34395	

\$25,001 - \$28,000	648	864	1,080	1,320	1,542	34397
\$28,001 - \$31,000	522	648	864	1,080	1,320	34398
\$31,001 - \$32,000	420	522	648	864	1,080	34399
\$32,001 - \$33,000	384	420	522	648	864	34400
\$33,001 - \$34,000	354	384	420	522	648	34401
\$34,001 - \$35,000	174	354	384	420	522	34402
\$35,001 - \$36,000	--	174	354	384	420	34403
\$36,001 - \$37,000	--	--	174	354	384	34404
\$37,001 - \$38,000	--	--	--	174	354	34405
\$38,001 - \$39,000	--	--	--	--	174	34406

For a full-time student who is financially independent and 34407
enrolled in a state-assisted educational institution, the amount 34408
of the instructional grant for two semesters, three quarters, or a 34409
comparable portion of the academic year shall be determined in 34410
accordance with the following table: 34411

Public Institution 34412

Table of Grants 34413

Maximum Grant \$2,190 34414

Gross Income Number of Dependents 34415

	Number of Dependents						34416
	0	1	2	3	4	5 or more	
\$0 - \$4,800	\$2,190	\$2,190	\$2,190	\$2,190	\$2,190	\$2,190	34417
\$4,801 - \$5,300	1,974	2,190	2,190	2,190	2,190	2,190	34418
\$5,301 - \$5,800	1,740	1,974	2,190	2,190	2,190	2,190	34419
		<u>2,082</u>					34420
\$5,801 - \$6,300	1,542	1,740	1,974	2,190	2,190	2,190	34421
		<u>1,968</u>	<u>2,082</u>				34422
\$6,301 - \$6,800	1,320	1,542	1,740	1,974	2,190	2,190	34423
		<u>1,866</u>	<u>1,968</u>	<u>2,082</u>			34424
\$6,801 - \$7,300	1,080	1,320	1,542	1,740	1,974	2,190	34425
		<u>1,758</u>	<u>1,866</u>	<u>1,968</u>	<u>2,082</u>		34426
\$7,301 - \$8,300	864	1,080	1,320	1,542	1,740	1,974	34427
		<u>1,638</u>	<u>1,758</u>	<u>1,866</u>	<u>1,968</u>	<u>2,082</u>	34428

\$8,301 - \$9,300	648	864	1,080	1,320	1,542	1,740	34429
		<u>1,530</u>	<u>1,638</u>	<u>1,758</u>	<u>1,866</u>	<u>1,968</u>	34430
\$9,301 - \$10,300	522	648	864	1,080	1,320	1,542	34431
		<u>1,422</u>	<u>1,530</u>	<u>1,638</u>	<u>1,758</u>	<u>1,866</u>	34432
\$10,301 - \$11,800	420	522	648	864	1,080	1,320	34433
		<u>1,356</u>	<u>1,422</u>	<u>1,530</u>	<u>1,638</u>	<u>1,758</u>	34434
\$11,801 - \$13,300	384	420	522	648	864	1,080	34435
		<u>1,308</u>	<u>1,356</u>	<u>1,422</u>	<u>1,530</u>	<u>1,638</u>	34436
\$13,301 - \$14,800	354	384	420	522	648	864	34437
		<u>1,290</u>	<u>1,308</u>	<u>1,356</u>	<u>1,422</u>	<u>1,530</u>	34438
\$14,801 - \$16,300	174	354	384	420	522	648	34439
		<u>1,164</u>	<u>1,290</u>	<u>1,308</u>	<u>1,356</u>	<u>1,422</u>	34440
\$16,301 - \$19,300	--	174	354	384	420	522	34441
		<u>858</u>	<u>1,050</u>	<u>1,182</u>	<u>1,308</u>	<u>1,356</u>	34442
\$19,301 - \$22,300	--	—	174	354	384	420	34443
		<u>540</u>	<u>750</u>	<u>948</u>	<u>1,062</u>	<u>1,200</u>	34444
\$22,301 - \$25,300	--	—	—	174	354	384	34445
		<u>432</u>	<u>540</u>	<u>750</u>	<u>948</u>	<u>1,062</u>	34446
\$25,301 - \$30,300	--	—	—	—	174	354	34447
		<u>324</u>	<u>432</u>	<u>540</u>	<u>750</u>	<u>948</u>	34448
\$30,301 - \$35,300	--	—	—	—	—	174	34449
		<u>192</u>	<u>210</u>	<u>264</u>	<u>324</u>	<u>522</u>	34450

(D) For a full-time student enrolled in an eligible institution for a semester or quarter in addition to the portion of the academic year covered by a grant determined under division (C) of this section, the maximum grant amount shall be a percentage of the maximum prescribed in the applicable table of that division. The maximum grant for a fourth quarter shall be one-third of the maximum amount prescribed under that division. The maximum grant for a third semester shall be one-half of the maximum amount prescribed under that division.

(E) No grant shall be made to any student in a course of

study in theology, religion, or other field of preparation for a 34461
religious profession unless such course of study leads to an 34462
accredited bachelor of arts, bachelor of science, associate of 34463
arts, or associate of science degree. 34464

(F)(1) Except as provided in division (F)(2) of this section, 34465
no grant shall be made to any student for enrollment during a 34466
fiscal year in an institution with a cohort default rate 34467
determined by the United States secretary of education pursuant to 34468
the "Higher Education Amendments of 1986," 100 Stat. 1278, 1408, 34469
20 U.S.C.A. 1085, as amended, as of the fifteenth day of June 34470
preceding the fiscal year, equal to or greater than thirty per 34471
cent for each of the preceding two fiscal years. 34472

(2) Division (F)(1) of this section does not apply to the 34473
following: 34474

(a) Any student enrolled in an institution that under the 34475
federal law appeals its loss of eligibility for federal financial 34476
aid and the United States secretary of education determines its 34477
cohort default rate after recalculation is lower than the rate 34478
specified in division (F)(1) of this section or the secretary 34479
determines due to mitigating circumstances the institution may 34480
continue to participate in federal financial aid programs. The 34481
board shall adopt rules requiring institutions to provide 34482
information regarding an appeal to the board. 34483

(b) Any student who has previously received a grant under 34484
this section who meets all other requirements of this section. 34485

(3) The board shall adopt rules for the notification of all 34486
institutions whose students will be ineligible to participate in 34487
the grant program pursuant to division (F)(1) of this section. 34488

(4) A student's attendance at an institution whose students 34489
lose eligibility for grants under division (F)(1) of this section 34490
shall not affect that student's eligibility to receive a grant 34491

when enrolled in another institution. 34492

(G) Institutions of higher education that enroll students 34493
receiving instructional grants under this section shall report to 34494
the board all students who have received instructional grants but 34495
are no longer eligible for all or part of such grants and shall 34496
refund any moneys due the state within thirty days after the 34497
beginning of the quarter or term immediately following the quarter 34498
or term in which the student was no longer eligible to receive all 34499
or part of the student's grant. There shall be an interest charge 34500
of one per cent per month on all moneys due and payable after such 34501
thirty-day period. The board shall immediately notify the office 34502
of budget and management and the legislative service commission of 34503
all refunds so received. 34504

Sec. 3333.121. There is hereby established in the state 34505
treasury the instructional grant reconciliation fund, which shall 34506
consist of refunds of instructional grant payments made pursuant 34507
to section 3333.12 of the Revised Code. Revenues credited to the 34508
fund shall be used by the Ohio board of regents to pay to higher 34509
education institutions any outstanding obligations from the prior 34510
year owed for the Ohio instructional grant program that are 34511
identified through the annual reconciliation and financial audit. 34512
Any amount in the fund that is in excess of the amount certified 34513
to the director of budget and management by the board of regents 34514
as necessary to reconcile prior year payments under the program 34515
shall be transferred to the general revenue fund. 34516

Sec. 3333.16. As used in this section "state institution of 34517
higher education" means an institution of higher education as 34518
defined in section 3345.12 of the Revised Code. 34519

(A) By April 15, 2005, the Ohio board of regents shall do all 34520
of the following: 34521

(1) Establish policies and procedures applicable to all state institutions of higher education that ensure that students can begin higher education at any state institution of higher education and transfer coursework and degrees to any other state institution of higher education without unnecessary duplication or institutional barriers. The purpose of this requirement is to allow students to attain their highest educational aspirations in the most efficient and effective manner for the students and the state. These policies and procedures shall require state institutions of higher education to make changes or modifications, as needed, to strengthen course content so as to ensure equivalency for that course at any state institution of higher education. 34522
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(2) Develop and implement a universal course equivalency classification system for state institutions of higher education so that the transfer of students and the transfer and articulation of equivalent courses or specified learning modules or units completed by students are not inhibited by inconsistent judgment about the application of transfer credits. Coursework completed within such a system at one state institution of higher education and transferred to another institution shall be applied to the student's degree objective in the same manner as equivalent coursework completed at the receiving institution. 34535
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(3) Develop a system of transfer policies that ensure that graduates with associate degrees which include completion of approved transfer modules shall be admitted to a state institution of higher education, shall be able to compete for admission to specific programs on the same basis as students native to the institution, and shall have priority over out-of-state associate degree graduates and transfer students. To assist a student in advising and transferring, all state institutions of higher education shall fully implement the course applicability system. 34545
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(4) Examine the feasibility of developing a transfer marketing agenda that includes materials and interactive technology to inform the citizens of Ohio about the availability of transfer options at state institutions of higher education and to encourage adults to return to colleges and universities for additional education; 34554
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(5) Study, in consultation with the state board of career colleges and schools, and in light of existing criteria and any other criteria developed by the articulation and transfer advisory council, the feasibility of credit recognition and transferability to state institutions of higher education for graduates who have received associate degrees from a career college or school with a certificate of registration from the state board of career colleges and schools under Chapter 3332. of the Revised Code. 34560
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(B) By April 15, 2004, the board shall report to the general assembly on its progress in attaining completion of the actions prescribed in division (A) of this section. 34568
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(C) All provisions of the existing articulation and transfer policy developed by the board shall remain in effect except where amended by this act. 34571
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Sec. 3333.38. (A) As used in this section: 34574

(1) "Institution of higher education" includes all of the following: 34575
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(a) A state institution of higher education, as defined in section 3345.011 of the Revised Code; 34577
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(b) A nonprofit institution issued a certificate of authorization by the Ohio board of regents under Chapter 1713. of the Revised Code; 34579
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(c) A private institution exempt from regulation under Chapter 3332. of the Revised Code, as prescribed in section 34582
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<u>3333.046 of the Revised Code;</u>	34584
<u>(d) An institution of higher education with a certificate of registration from the state board of career colleges and schools under Chapter 3332. of the Revised Code.</u>	34585
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<u>(2) "Student financial assistance supported by state funds" includes assistance granted under sections 3315.33, 3333.12, 3333.21, 3333.26, 3333.27, 3333.28, 3333.29, 3333.372, 5910.03, 5910.032, and 5919.34 of the Revised Code and any other post-secondary student financial assistance supported by state funds.</u>	34588
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<u>(B) An individual who is convicted of, pleads guilty to, or is adjudicated a delinquent child for one of the following violations shall be ineligible to receive any student financial assistance supported by state funds at an institution of higher education for two calendar years from the time the individual applies for assistance of that nature:</u>	34594
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<u>(1) A violation of section 2917.02 or 2917.03 of the Revised Code;</u>	34600
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<u>(2) A violation of section 2917.04 of the Revised Code that is a misdemeanor of the fourth degree and occurs within the proximate area where four or more others are acting in a course of conduct in violation of section 2917.11 of the Revised Code;</u>	34602
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<u>(3) A violation of section 2917.13 of the Revised Code that is a misdemeanor of the fourth or first degree and occurs within the proximate area where four or more others are acting in a course of conduct in violation of section 2917.11 of the Revised Code.</u>	34606
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<u>(C) If an individual is convicted of, pleads guilty to, or is adjudicated a delinquent child for committing a violation of section 2907.02 or 2907.03 of the Revised Code, and if the individual is enrolled in a state-supported institution of higher</u>	34611
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education, the institution in which the individual is enrolled 34615
shall immediately dismiss the individual. No state-supported 34616
institution of higher education shall admit an individual of that 34617
nature for one academic year after the individual applies for 34618
admission to a state-supported institution of higher education. 34619
This division does not limit or affect the ability of a 34620
state-supported institution of higher education to suspend or 34621
otherwise discipline its students. 34622

Sec. 3353.11. There is hereby created in the state treasury 34623
the governmental television/telecommunications operating fund. The 34624
fund shall consist of money received from contract productions of 34625
the Ohio government telecommunications studio and shall be used 34626
for operations or equipment breakdowns related to the studio. Only 34627
Ohio government telecommunications may authorize the spending of 34628
money in the fund. All investment earnings of the fund shall be 34629
credited to the fund. Once the fund has a balance of zero, the 34630
fund shall cease to exist. 34631

Sec. 3361.01. (A) There is hereby created a state university 34632
to be known as the "university of Cincinnati." The government of 34633
the university of Cincinnati is vested in a board of eleven 34634
trustees who shall be appointed by the governor with the advice 34635
and consent of the senate. Two of the trustees shall be students 34636
at the university of Cincinnati, and their selection and terms 34637
shall be in accordance with division (B) of this section. The 34638
terms of the first nine members of the board of trustees shall 34639
commence upon the effective date of the transfer of assets of the 34640
state-affiliated university of Cincinnati to the university of 34641
Cincinnati hereby created. One of such trustees shall be appointed 34642
for a term ending on the first day of January occurring at least 34643
twelve months after such date of transfer, and each of the other 34644
trustees shall be appointed for respective terms ending on each 34645

succeeding first day of January, so that one term will expire on 34646
each first day of January after expiration of the shortest term. 34647
Except for the two student trustees, each successor trustee shall 34648
be appointed for a term ending on the first day of January, nine 34649
years from the expiration date of the term ~~he~~ the trustee 34650
succeeds, except that any person appointed to fill a vacancy shall 34651
be appointed to serve only for the unexpired term. 34652

Any trustee shall continue in office subsequent to the 34653
expiration date of ~~his~~ the trustee's term until ~~his~~ the trustee's 34654
successor takes office, or until a period of sixty days has 34655
elapsed, whichever occurs first. 34656

No person who has served a full nine-year term or longer or 34657
more than six years of such a term shall be eligible to 34658
reappointment. ~~No person is eligible for appointment to the board~~ 34659
~~of trustees for a full nine year term who is not at the time of~~ 34660
~~appointment a resident of the city of Cincinnati, unless at the~~ 34661
~~time of such appointment there are at least five members of the~~ 34662
~~board who are not students and who are residents of the city of~~ 34663
~~Cincinnati.~~ 34664

The trustees shall receive no compensation for their services 34665
but shall be paid their reasonable necessary expenses while 34666
engaged in the discharge of their official duties. A majority of 34667
the board constitutes a quorum. 34668

(B) The student members of the board of trustees of the 34669
university of Cincinnati have no voting power on the board. 34670
Student members shall not be considered as members of the board in 34671
determining whether a quorum is present. Student members shall not 34672
be entitled to attend executive sessions of the board. The student 34673
members of the board shall be appointed by the governor, with the 34674
advice and consent of the senate, from a group of five candidates 34675
selected pursuant to a procedure adopted by the university's 34676
student governments and approved by the university's board of 34677

trustees. The initial term of office of one of the student members 34678
shall commence on May 14, 1988 and shall expire on May 13, 1989, 34679
and the initial term of office of the other student member shall 34680
commence on May 14, 1988 and expire on May 13, 1990. Thereafter, 34681
terms of office of student members shall be for two years, each 34682
term ending on the same day of the same month of the year as the 34683
term it succeeds. In the event that a student cannot fulfill ~~his~~ a 34684
two-year term, a replacement shall be selected to fill the 34685
unexpired term in the same manner used to make the original 34686
selection. 34687

Sec. 3375.41. When a board of library trustees appointed 34688
pursuant to sections 3375.06, 3375.10, 3375.12, 3375.15, 3375.22, 34689
and 3375.30 of the Revised Code determines to construct, demolish, 34690
alter, repair, or reconstruct a library or make any improvements 34691
or repairs, the cost of which will exceed ~~fifteen~~ twenty-five 34692
thousand dollars, except in cases of urgent necessity or for the 34693
security and protection of library property, it shall proceed as 34694
follows: 34695

(A) The board shall advertise for a period of four weeks for 34696
bids in some newspaper of general circulation in the district, and 34697
if there are two such papers, the board shall advertise in both of 34698
them. If no newspaper has a general circulation in the district, 34699
the board shall advertise by posting ~~such~~ the advertisement in 34700
three public places ~~therein~~ in the district. ~~Such~~ The 34701
advertisement shall be entered in full by the clerk on the record 34702
of proceedings of the board. 34703

(B) The sealed bids shall be filed with the clerk by twelve 34704
noon of the last day stated in the advertisement. 34705

(C) The bids shall be opened at the next meeting of the 34706
board, shall be publicly read by the clerk, and shall be entered 34707
in full on the records of the board; provided, that the board ~~may~~, 34708

by resolution, may provide for the public opening and reading of 34709
~~such the~~ bids by the clerk, immediately after the time for filing 34710
~~such the~~ bids has expired, at the usual place of meeting of the 34711
board, and for the tabulation of ~~such the~~ bids and a report of 34712
~~such the~~ tabulation to the board at its next meeting. 34713

(D) Each bid shall contain the name of every person 34714
interested ~~therein,~~ in it and shall meet the requirements of 34715
section 153.54 of the Revised Code. 34716

(E) When both labor and materials are embraced in the work 34717
bid for, the board may require that each be separately stated in 34718
the bid, with the price ~~thereof of each,~~ or may require that bids 34719
be submitted without ~~such that~~ separation. 34720

(F) None but the lowest responsible bid shall be accepted. 34721
The board may reject all the bids or accept any bid for both labor 34722
and material for ~~such the~~ improvement or repair which is the 34723
lowest in the aggregate. 34724

(G) The contract shall be between the board and the bidders. 34725
The board shall pay the contract price for the work in cash at the 34726
times and in the amounts as provided by sections 153.12, 153.13, 34727
and 153.14 of the Revised Code. 34728

(H) When two or more bids are equal, in whole or in part, and 34729
are lower than any others, either may be accepted, but in no case 34730
shall the work be divided between such bidders. 34731

(I) When there is reason to believe there is collusion or 34732
combination among the bidders, the bids of those concerned in ~~such~~ 34733
the collusion or combination shall be rejected. 34734

Sec. 3377.01. As used in Chapter 3377. of the Revised Code: 34735

(A) "Educational institution" or "institution" means an 34736
educational institution organized not for profit and holding an 34737
effective certificate of authorization issued under section 34738

1713.02 of the Revised Code. It does not include any institution 34739
created by or in accordance with Title XXXIII of the Revised Code 34740
nor any institution whose principal educational activity is 34741
preparing students for or granting degrees, diplomas, and other 34742
marks of deficiency which have value only in religious and 34743
ecclesiastical fields. 34744

(B) "Educational facility" or "facility" means any building, 34745
structure, facility, equipment, machinery, utility, or 34746
improvement, site, or other interest in real estate therefor or 34747
pertinent thereto, and equipment and furnishings to be used 34748
therein or in connection therewith, together with any 34749
appurtenances necessary or convenient to the uses thereof, to be 34750
used for or in connection with the conduct or operation of an 34751
educational institution, including but not limited to, classrooms 34752
and other instructional facilities, laboratories, research 34753
facilities, libraries, study facilities, administrative and office 34754
facilities, museums, gymnasiums, campus walks, drives and site 34755
improvements, dormitories and other suitable living quarters or 34756
accommodations, dining halls and other food service and 34757
preparation facilities, student services or activity facilities, 34758
physical education, athletic and recreational facilities, 34759
theatres, auditoriums, assembly and exhibition halls, greenhouses, 34760
agricultural buildings and facilities, parking, storage and 34761
maintenance facilities, infirmary, hospital, medical, and health 34762
facilities, continuing education facilities, communications, fire 34763
prevention, and fire fighting facilities, and any one, or any 34764
combination of the foregoing, whether or not comprising part of 34765
one building, structure, or facility. It does not include any 34766
facility used ~~for sectarian instruction or study or exclusively~~ as 34767
a place for devotional activities ~~or religious worship~~. 34768

(C) "Bond proceedings" means the resolution or resolutions, 34769
the trust agreement, the indenture of mortgage, or combination 34770

thereof authorizing or providing for the terms and conditions 34771
applicable to bonds issued under authority of Chapter 3377. of the 34772
Revised Code. 34773

(D) "Pledged facilities" means the project or other property 34774
that is mortgaged or the rentals, revenues, and other income, 34775
charges, and moneys from which are pledged, or both, for the 34776
payment of or the security for the payment of the principal of and 34777
interest on the bonds issued under the authority of section 34778
3377.05 or 3377.06 of the Revised Code. 34779

(E) "Project" means real or personal property, or both, 34780
acquired by gift or purchase, constructed, reconstructed, 34781
enlarged, remodeled, renovated, improved, furnished, or equipped, 34782
or any combination thereof, by or financed by the Ohio higher 34783
educational facility commission, or by funds that are refinanced 34784
or reimbursed by the commission for use by an educational 34785
institution as an educational facility located within the state. 34786

(F) "Project costs" means the costs of acquiring, 34787
constructing, equipping, furnishing, reconstructing, remodeling, 34788
renovating, enlarging, and improving educational facilities 34789
comprising one or more project, including costs connected with or 34790
incidental thereto, provision of capitalized interest prior to and 34791
during construction and for a period after the completion of the 34792
construction, appropriate reserves, architectural, engineering, 34793
financial, and legal services, and all other costs of financing, 34794
and the repayment or restoration of moneys borrowed or advanced 34795
for such purposes or temporarily used therefor from other sources, 34796
and means the costs of refinancing obligations issued or loans 34797
incurred by, or reimbursement of money advanced, invested or 34798
expended by, educational institutions or others the proceeds of 34799
which obligations or loans or the amounts advanced, invested or 34800
expended were used at any time for the payment of project costs, 34801
if the Ohio higher educational facility commission determines that 34802

the refinancing or reimbursement advances the purposes of this 34803
chapter, whether or not the refinancing or reimbursement is in 34804
conjunction with the acquisition or construction of additional 34805
educational facilities. 34806

Sec. 3377.06. In anticipation of the issuance of bonds 34807
authorized by section 3377.05 of the Revised Code, the Ohio higher 34808
educational facility commission may issue bond anticipation notes 34809
of the state and may renew the same from time to time by the 34810
issuance of new notes, but the maximum maturity of such notes, 34811
including renewals thereof, shall not exceed five years from the 34812
date of the issuance of the original notes. Such notes are payable 34813
solely from the revenues and receipts that may be pledged to the 34814
payment of such bonds or from the proceeds of such bonds, or both, 34815
as the commission provides in its resolution authorizing such 34816
notes, and may be additionally secured by covenants of the 34817
commission to the effect that the commission will do such or all 34818
things necessary for the issuance of such bonds, or of renewal 34819
notes under this section in appropriate amount, and either 34820
exchange such bonds or renewal notes therefor or apply the 34821
proceeds thereof to the extent necessary to make full payment on 34822
such notes at the time or times contemplated, as provided in such 34823
resolution. Subject to the provisions of this section, all 34824
provisions for and references to bonds in Chapter 3377. of the 34825
Revised Code are applicable to notes authorized under this section 34826
and any references therein to bondholders shall include holders or 34827
owners of such notes. 34828

Prior to the sale of bonds or notes authorized under section 34829
3377.05 or 3377.06 of the Revised Code, the commission shall 34830
determine that the project to be financed thereby will contribute 34831
to the objectives stated in section 3377.02 of the Revised Code 34832
and that the educational institution to which such project is to 34833
be leased, sold, exchanged, or otherwise disposed of, admits 34834

students without discrimination by reason of race, creed, color, 34835
or national origin. Nothing in this section prohibits an 34836
educational institution from requesting that its applicants for 34837
admission demonstrate beliefs or principles consistent with the 34838
mission of the institution. 34839

Sec. 3379.11. There is hereby created in the state treasury 34840
the gifts and donations fund. The fund shall consist of gifts and 34841
donations made to the Ohio arts council and fees paid for 34842
conferences the council sponsors. The fund shall be used to pay 34843
for the council's operating expenses, including, but not limited 34844
to, payroll, personal services, maintenance, equipment, and 34845
subsidy payments. All moneys deposited into the fund shall be 34846
received and expended pursuant to the council's duty to foster and 34847
encourage the development of the arts in this state and the 34848
preservation of the state's cultural heritage. 34849

Sec. 3383.01. As used in this chapter: 34850

(A) "Arts" means any of the following: 34851

(1) Visual, musical, dramatic, graphic, design, and other 34852
arts, including, but not limited to, architecture, dance, 34853
literature, motion pictures, music, painting, photography, 34854
sculpture, and theater, and the provision of training or education 34855
in these arts; 34856

(2) The presentation or making available, in museums or other 34857
indoor or outdoor facilities, of principles of science and their 34858
development, use, or application in business, industry, or 34859
commerce or of the history, heritage, development, presentation, 34860
and uses of the arts described in division (A)(1) of this section 34861
and of transportation; 34862

(3) The preservation, presentation, or making available of 34863
features of archaeological, architectural, environmental, or 34864

historical interest or significance in a state historical facility 34865
or a local historical facility. 34866

(B) "Arts organization" means either of the following: 34867

(1) A governmental agency or Ohio nonprofit corporation that 34868
provides programs or activities in areas directly concerned with 34869
the arts; 34870

(2) A regional arts and cultural district as defined in 34871
section 3381.01 of the Revised Code. 34872

(C) "Arts project" means all or any portion of an Ohio arts 34873
facility for which the general assembly has specifically 34874
authorized the spending of money, or made an appropriation, 34875
pursuant to division (D)(3) or (E) of section 3383.07 of the 34876
Revised Code. 34877

(D) "Cooperative contract" means a contract between the Ohio 34878
arts and sports facilities commission and an arts organization 34879
providing the terms and conditions of the cooperative use of an 34880
Ohio arts facility. 34881

(E) "Costs of operation" means amounts required to manage an 34882
Ohio arts facility that are incurred following the completion of 34883
construction of its arts project, provided that both of the 34884
following apply: 34885

(1) Those amounts either: 34886

(a) Have been committed to a fund dedicated to that purpose; 34887

(b) Equal the principal of any endowment fund, the income 34888
from which is dedicated to that purpose. 34889

(2) The commission and the arts organization have executed an 34890
agreement with respect to either of those funds. 34891

(F) "General building services" means general building 34892
services for an Ohio arts facility or an Ohio sports facility, 34893
including, but not limited to, general custodial care, security, 34894

maintenance, repair, painting, decoration, cleaning, utilities, 34895
fire safety, grounds and site maintenance and upkeep, and 34896
plumbing. 34897

(G) "Governmental agency" means a state agency, a 34898
state-supported or state-assisted institution of higher education, 34899
a municipal corporation, county, township, or school district, a 34900
port authority created under Chapter 4582. of the Revised Code, 34901
any other political subdivision or special district in this state 34902
established by or pursuant to law, or any combination of these 34903
entities; except where otherwise indicated, the United States or 34904
any department, division, or agency of the United States, or any 34905
agency, commission, or authority established pursuant to an 34906
interstate compact or agreement. 34907

(H) "Local contributions" means the value of an asset 34908
provided by or on behalf of an arts organization from sources 34909
other than the state, the value and nature of which shall be 34910
approved by the Ohio arts and sports facilities commission, in its 34911
sole discretion. "Local contributions" may include the value of 34912
the site where an arts project is to be constructed. All "local 34913
contributions," except a contribution attributable to such a site, 34914
shall be for the costs of construction of an arts project or the 34915
costs of operation of an arts facility. 34916

(I) "Local historical facility" means a site or facility, 34917
other than a state historical facility, of archaeological, 34918
architectural, environmental, or historical interest or 34919
significance, or a facility, including a storage facility, 34920
appurtenant to the operations of such a site or facility, that is 34921
owned by an arts organization, provided the facility meets the 34922
requirements of division (K)(2)(b) of this section, is managed by 34923
or pursuant to a contract with the Ohio arts and sports facilities 34924
commission, and is used for or in connection with the activities 34925
of the commission, including the presentation or making available 34926

of arts to the public. 34927

(J) "Manage," "operate," or "management" means the provision 34928
of, or the exercise of control over the provision of, activities: 34929

(1) Relating to the arts for an Ohio arts facility, including 34930
as applicable, but not limited to, providing for displays, 34931
exhibitions, specimens, and models; booking of artists, 34932
performances, or presentations; scheduling; and hiring or 34933
contracting for directors, curators, technical and scientific 34934
staff, ushers, stage managers, and others directly related to the 34935
arts activities in the facility; but not including general 34936
building services; 34937

(2) Relating to sports and athletic events for an Ohio sports 34938
facility, including as applicable, but not limited to, providing 34939
for booking of athletes, teams, and events; scheduling; and hiring 34940
or contracting for staff, ushers, managers, and others directly 34941
related to the sports and athletic events in the facility; but not 34942
including general building services. 34943

(K) "Ohio arts facility" means any of the following: 34944

(1) The three theaters located in the state office tower at 34945
77 South High street in Columbus; 34946

(2) Any capital facility in this state to which both of the 34947
following apply: 34948

(a) The construction of an arts project related to the 34949
facility was authorized or funded by the general assembly pursuant 34950
to division (D)(3) of section 3383.07 of the Revised Code and 34951
proceeds of state bonds are used for costs of the arts project. 34952

(b) The facility is managed directly by, or is subject to a 34953
cooperative or management contract with, the Ohio arts and sports 34954
facilities commission, and is used for or in connection with the 34955
activities of the commission, including the presentation or making 34956

available of arts to the public and the provision of training or 34957
education in the arts. ~~A cooperative or management contract shall~~ 34958
~~be for a term not less than the time remaining to the date of~~ 34959
~~payment or provision for payment of any state bonds issued to pay~~ 34960
~~the costs of the arts project, as determined by the director of~~ 34961
~~budget and management and certified by the director to the Ohio~~ 34962
~~arts and sports facilities commission and to the Ohio building~~ 34963
~~authority.~~ 34964

(3) A state historical facility or a local historical 34965
facility. 34966

(L) "State agency" means the state or any of its branches, 34967
officers, boards, commissions, authorities, departments, 34968
divisions, or other units or agencies. 34969

(M) "Construction" includes acquisition, including 34970
acquisition by lease-purchase, demolition, reconstruction, 34971
alteration, renovation, remodeling, enlargement, improvement, site 34972
improvements, and related equipping and furnishing. 34973

(N) "State historical facility" means a site or facility of 34974
archaeological, architectural, environmental, or historical 34975
interest or significance, or a facility, including a storage 34976
facility, appurtenant to the operations of such a site or 34977
facility, that is owned by or is located on real property owned by 34978
the state or by an arts organization, so long as the real property 34979
of the arts organization is contiguous to state-owned real 34980
property that is in the care, custody, and control of an arts 34981
organization, and that is managed directly by or is subject to a 34982
cooperative or management contract with the Ohio arts and sports 34983
facilities commission and is used for or in connection with the 34984
activities of the commission, including the presentation or making 34985
available of arts to the public. 34986

(O) "Ohio sports facility" means all or a portion of a 34987

stadium, arena, or other capital facility in this state, a primary 34988
purpose of which is to provide a site or venue for the 34989
presentation to the public of events of one or more major or minor 34990
league professional athletic or sports teams that are associated 34991
with the state or with a city or region of the state, which 34992
facility is owned by or is located on real property owned by the 34993
state or a governmental agency, and including all parking 34994
facilities, walkways, and other auxiliary facilities, equipment, 34995
furnishings, and real and personal property and interests and 34996
rights therein, that may be appropriate for or used for or in 34997
connection with the facility or its operation, for capital costs 34998
of which state funds are spent pursuant to this chapter. A 34999
facility constructed as an Ohio sports facility may be both an 35000
Ohio arts facility and an Ohio sports facility. 35001

Sec. 3383.07. (A) The department of administrative services 35002
shall provide for the construction of an arts project in 35003
conformity with Chapter 153. of the Revised Code, except as 35004
follows: 35005

(1) For an arts project that has an estimated construction 35006
cost, excluding the cost of acquisition, of twenty-five million 35007
dollars or more, and that is financed by the Ohio building 35008
authority, construction services may be provided by the authority 35009
if the authority determines it should provide those services. 35010

(2) For an arts project other than a state historical 35011
facility, construction services may be provided on behalf of the 35012
state by the Ohio arts and sports facilities commission, or by a 35013
governmental agency or an arts organization that occupies, will 35014
occupy, or is responsible for the Ohio arts facility, as 35015
determined by the commission. Construction services to be provided 35016
by a governmental agency or an arts organization shall be 35017
specified in an agreement between the commission and the 35018

governmental agency or arts organization. The agreement, or any 35019
actions taken under it, are not subject to Chapter 123. or 153. of 35020
the Revised Code, except for sections 123.151 and 153.011 of the 35021
Revised Code, and shall be subject to Chapter 4115. of the Revised 35022
Code. 35023

(3) For an arts project that is a state historical facility, 35024
construction services may be provided by the Ohio arts and sports 35025
facilities commission or by an arts organization that occupies, 35026
will occupy, or is responsible for the facility, as determined by 35027
the commission. The construction services to be provided by the 35028
arts organization shall be specified in an agreement between the 35029
commission and the arts organization. That agreement, and any 35030
actions taken under it, are not subject to Chapter 123., 153., or 35031
4115. of the Revised Code. 35032

(B) For an Ohio sports facility that is financed in part by 35033
the Ohio building authority, construction services shall be 35034
provided on behalf of the state by or at the direction of the 35035
governmental agency or nonprofit corporation that will own or be 35036
responsible for the management of the facility, all as determined 35037
by the Ohio arts and sports facilities commission. Any 35038
construction services to be provided by a governmental agency or 35039
nonprofit corporation shall be specified in an agreement between 35040
the commission and the governmental agency or nonprofit 35041
corporation. That agreement, and any actions taken under it, are 35042
not subject to Chapter 123. or 153. of the Revised Code, except 35043
for sections 123.151 and 153.011 of the Revised Code, and shall be 35044
subject to Chapter 4115. of the Revised Code. 35045

(C) General building services for an Ohio arts facility shall 35046
be provided by the Ohio arts and sports facilities commission or 35047
by an arts organization that occupies, will occupy, or is 35048
responsible for the facility, as determined by the commission, 35049
except that the Ohio building authority may elect to provide those 35050

services for Ohio arts facilities financed with proceeds of state 35051
bonds issued by the authority. The costs of management and general 35052
building services shall be paid by the arts organization that 35053
occupies, will occupy, or is responsible for the facility as 35054
provided in an agreement between the commission and the arts 35055
organization, except that the state may pay for general building 35056
services for state-owned arts facilities constructed on 35057
state-owned land. 35058

General building services for an Ohio sports facility shall 35059
be provided by or at the direction of the governmental agency or 35060
nonprofit corporation that will be responsible for the management 35061
of the facility, all as determined by the commission. Any general 35062
building services to be provided by a governmental agency or 35063
nonprofit corporation for an Ohio sports facility shall be 35064
specified in an agreement between the commission and the 35065
governmental agency or nonprofit corporation. That agreement, and 35066
any actions taken under it, are not subject to Chapter 123. or 35067
153. of the Revised Code, except for sections 123.151 and 153.011 35068
of the Revised Code, and shall be subject to Chapter 4115. of the 35069
Revised Code. 35070

(D) This division does not apply to a state historical 35071
facility. No state funds, including any state bond proceeds, shall 35072
be spent on the construction of any arts project under this 35073
chapter unless, with respect to the arts project and to the Ohio 35074
arts facility related to the project, all of the following apply: 35075

(1) The Ohio arts and sports facilities commission has 35076
determined that there is a need for the arts project and the Ohio 35077
arts facility related to the project in the region of the state in 35078
which the Ohio arts facility is located or for which the facility 35079
is proposed. 35080

(2) The commission has determined that, as an indication of 35081
substantial regional support for the arts project, the arts 35082

organization has made provision satisfactory to the commission, in 35083
its sole discretion, for local contributions amounting to not less 35084
than fifty per cent of the total state funding for the arts 35085
project. 35086

(3) The general assembly has specifically authorized the 35087
spending of money on, or made an appropriation for, the 35088
construction of the arts project, or for rental payments relating 35089
to the financing of the construction of the arts project. 35090
Authorization to spend money, or an appropriation, for planning 35091
the arts project does not constitute authorization to spend money 35092
on, or an appropriation for, construction of the arts project. 35093

(E) No state funds, including any state bond proceeds, shall 35094
be spent on the construction of any state historical facility 35095
under this chapter unless the general assembly has specifically 35096
authorized the spending of money on, or made an appropriation for, 35097
the construction of the arts project related to the facility, or 35098
for rental payments relating to the financing of the construction 35099
of the arts project. Authorization to spend money, or an 35100
appropriation, for planning the arts project does not constitute 35101
authorization to spend money on, or an appropriation for, the 35102
construction of the arts project. 35103

(F) State funds shall not be used to pay or reimburse more 35104
than fifteen per cent of the initial estimated construction cost 35105
of an Ohio sports facility, excluding any site acquisition cost, 35106
and no state funds, including any state bond proceeds, shall be 35107
spent on any Ohio sports facility under this chapter unless, with 35108
respect to that facility, all of the following apply: 35109

(1) The Ohio arts and sports facilities commission has 35110
determined that there is a need for the facility in the region of 35111
the state for which the facility is proposed to provide the 35112
function of an Ohio sports facility as provided for in this 35113
chapter. 35114

(2) As an indication of substantial local support for the 35115
facility, the commission has received a financial and development 35116
plan satisfactory to it, and provision has been made, by agreement 35117
or otherwise, satisfactory to the commission, for a contribution 35118
amounting to not less than eighty-five per cent of the total 35119
estimated construction cost of the facility, excluding any site 35120
acquisition cost, from sources other than the state. 35121

(3) The general assembly has specifically authorized the 35122
spending of money on, or made an appropriation for, the 35123
construction of the facility, or for rental payments relating to 35124
state financing of all or a portion of the costs of constructing 35125
the facility. Authorization to spend money, or an appropriation, 35126
for planning or determining the feasibility of or need for the 35127
facility does not constitute authorization to spend money on, or 35128
an appropriation for, costs of constructing the facility. 35129

(4) If state bond proceeds are being used for the Ohio sports 35130
facility, the state or a governmental agency owns or has 35131
sufficient property interests in the facility or in the site of 35132
the facility or in the portion or portions of the facility 35133
financed from proceeds of state bonds, which may include, but is 35134
not limited to, the right to use or to require the use of the 35135
facility for the presentation of sport and athletic events to the 35136
public at the facility, ~~extending for a period of not less than~~ 35137
~~the greater of the useful life of the portion of the facility~~ 35138
~~financed from proceeds of those bonds as determined using the~~ 35139
~~guidelines for maximum maturities as provided under divisions (B),~~ 35140
~~(C), and (D) of section 133.20 of the Revised Code, or the period~~ 35141
~~of time remaining to the date of payment or provision for payment~~ 35142
~~of outstanding state bonds allocable to costs of the facility, all~~ 35143
~~as determined by the director of budget and management and~~ 35144
~~certified by the director to the Ohio arts and sports facilities~~ 35145
~~commission and to the Ohio building authority.~~ 35146

Sec. 3501.011. (A) Except as otherwise provided in divisions 35147
(B) and (C) of this section, and except as otherwise provided in 35148
any section of Title XXXV of the Revised Code to the contrary, as 35149
used in the sections of the Revised Code relating to elections and 35150
political communications, whenever a person is required to sign or 35151
affix a signature to a declaration of candidacy, nominating 35152
petition, declaration of intent to be a write-in candidate, 35153
initiative petition, referendum petition, recall petition, or any 35154
other kind of petition, or to sign or affix a signature on any 35155
other document that is filed with or transmitted to a board of 35156
elections or the office of the secretary of state, "sign" or 35157
"signature" means that person's written, cursive-style legal mark 35158
written in that person's own hand. 35159

(B) For persons who do not use a cursive-style legal mark 35160
during the course of their regular business and legal affairs, 35161
"sign" or "signature" means that person's other legal mark that 35162
the person uses during the course of that person's regular 35163
business and legal affairs that is written in the person's own 35164
hand. 35165

(C) Any voter registration record requiring a person's 35166
signature shall be signed using the person's legal mark used in 35167
the person's regular business and legal affairs. For any purpose 35168
described in division (A) of this section, the legal mark of a 35169
registered elector shall be considered to be the mark of that 35170
elector as it appears on the elector's voter registration record. 35171

Sec. 3501.18. (A) The board of elections may divide a 35172
political subdivision, within its jurisdiction, into precincts 35173
and, establish, define, divide, rearrange, and combine the several 35174
election precincts within its jurisdiction, and change the 35175
location of the polling place for each precinct when it is 35176

necessary to maintain the requirements as to the number of voters 35177
in a precinct and to provide for the convenience of the voters and 35178
the proper conduct of elections, ~~provided that no.~~ No change in 35179
the number of precincts or in precinct boundaries shall be made 35180
during the twenty-five days immediately preceding a primary or 35181
general election ~~nor~~ or between the first day of January and the 35182
day on which the members of county central committees are elected 35183
in the years in which those committees are elected. Except as 35184
otherwise provided in division (C) of this section, each precinct 35185
shall contain a number of electors, not to exceed one thousand 35186
four hundred, that the board of elections determines to be a 35187
reasonable number after taking into consideration the type and 35188
amount of available equipment, prior voter turnout, the size and 35189
location of each selected polling place, available parking, 35190
availability of an adequate number of poll workers, and handicap 35191
accessibility and other accessibility to the polling place. 35192

If the board changes the boundaries of a precinct after the 35193
filing of a local option election petition pursuant to sections 35194
4301.32 to 4301.41, 4303.29, or 4305.14 of the Revised Code that 35195
calls for a local option election to be held in that precinct, the 35196
local option election shall be held in the area that constituted 35197
the precinct at the time the local option petition was filed, 35198
regardless of the change in the boundaries. 35199

If the board changes the boundaries of a precinct in order to 35200
meet the requirements of division (B)(1) of this section in a 35201
manner that causes a member of a county central committee to no 35202
longer qualify as a representative of an election precinct in the 35203
county, of a ward of a city in the county, or of a township in the 35204
county, the member shall continue to represent the precinct, ward, 35205
or township for the remainder of the member's term, regardless of 35206
the change in boundaries. 35207

In an emergency, the board may provide more than one polling 35208

place in a precinct. In order to provide for the convenience of 35209
the voters, the board may locate polling places for voting or 35210
registration outside the boundaries of precincts, provided that 35211
the nearest public school or public building shall be used if the 35212
board determines it to be available and suitable for use as a 35213
polling place. Except in an emergency, no change in the number or 35214
location of the polling places in a precinct shall be made during 35215
the twenty-five days immediately preceding a primary or general 35216
election. 35217

Electors who have failed to respond within thirty days to any 35218
confirmation notice shall not be counted in determining the size 35219
of any precinct under this section. 35220

(B)(1) Except as otherwise provided in division (B)(2) ~~or (3)~~ 35221
of this section, ~~not later than August 1, 2000, the~~ a board of 35222
elections shall determine all precinct boundaries using 35223
geographical units used by the United States department of 35224
commerce, bureau of the census, in reporting the decennial census 35225
of Ohio. 35226

~~(2) When any part of the boundary of a precinct also forms a 35227
part of the boundary of a legislative district and the precinct 35228
boundary cannot be determined by August 1, 2000, using the 35229
geographical units described in division (B)(1) of this section 35230
without making that part of the precinct boundary that also forms 35231
part of the legislative district boundary different from that 35232
legislative district boundary, the board of elections may 35233
determine the boundary of that precinct using the geographical 35234
units described in division (B)(1) of this section not later than 35235
April 1, 2002. As used in this division, legislative district 35236
means a district determined under Article XI of the Ohio 35237
Constitution. 35238~~

~~(3) The board of elections may apply to the secretary of 35239
state for a waiver from the requirement of division (B)(1) of this 35240~~

section when it is not feasible to comply with that requirement 35241
because of unusual physical boundaries or residential development 35242
practices that would cause unusual hardship for voters. The board 35243
shall identify the affected precincts and census units, explain 35244
the reason for the waiver request, and include a map illustrating 35245
where the census units will be split because of the requested 35246
waiver. If the secretary of state approves the waiver and so 35247
notifies the board of elections in writing, the board may change a 35248
precinct boundary as necessary under this section, notwithstanding 35249
the requirement in division (B)(1) of this section. 35250

(C) The board of elections may apply to the secretary of 35251
state for a waiver from the requirement of division (A) of this 35252
section regarding the number of electors in a precinct when the 35253
use of geographical units used by the United States department of 35254
commerce, bureau of the census, will cause a precinct to contain 35255
more than one thousand four hundred electors. The board shall 35256
identify the affected precincts and census units, explain the 35257
reason for the waiver request, and include a map illustrating 35258
where census units will be split because of the requested waiver. 35259
If the secretary of state approves the waiver and so notifies the 35260
board of elections in writing, the board may change a precinct 35261
boundary as necessary to meet the requirements of division (B)(1) 35262
of this section. 35263

Sec. 3501.30. (A) The board of elections shall provide for 35264
each polling place the necessary ballot boxes, official ballots, 35265
cards of instructions, registration forms, pollbooks, or poll 35266
lists, tally sheets, forms on which to make summary statements, 35267
writing implements, paper, and all other supplies necessary for 35268
casting and counting the ballots and recording the results of the 35269
voting at ~~such~~ the polling place. ~~Such~~ The pollbooks or poll lists 35270
shall have certificates appropriately printed ~~thereon~~ on them for 35271
the signatures of all the precinct officials, by which they shall 35272

certify that, to the best of their knowledge and belief, ~~said the~~ 35273
pollbooks or poll lists correctly show the names of all electors 35274
who voted in ~~such the~~ polling place at the election indicated 35275
~~therein in the pollbook or poll list.~~ 35276

A All of the following shall be included among the supplies 35277
provided to each polling place: 35278

(1) A large map of each appropriate precinct ~~shall be~~ 35279
~~included among the supplies to each polling place,~~ which shall be 35280
displayed prominently to assist persons who desire to register or 35281
vote on election day. Each map shall show all streets within the 35282
precinct and contain identifying symbols of the precinct in bold 35283
print. 35284

~~Such supplies shall also include a~~ (2) Any materials, 35285
postings, or instructions required to comply with state or federal 35286
laws; 35287

(3) A flag of the United States approximately two and 35288
one-half feet in length along the top, which shall be displayed 35289
outside the entrance to the polling place during the time it is 35290
open for voting. ~~Two;~~ 35291

(4) Two or more small flags of the United States 35292
approximately fifteen inches in length along the top ~~shall be~~ 35293
~~provided and, which~~ shall be placed at a distance of one hundred 35294
feet from the polling place on the thoroughfares or walkways 35295
leading to the polling place, to mark the distance within which 35296
persons other than election officials, witnesses, challengers, 35297
police officers, and electors waiting to mark, marking, or casting 35298
their ballots shall not loiter, congregate, or engage in any kind 35299
of election campaigning. Where small flags cannot reasonably be 35300
placed one hundred feet from the polling place, the presiding 35301
election judge shall place the flags as near to one hundred feet 35302
from the entrance to the polling place as is physically possible. 35303

Police officers and all election officials shall see that this 35304
prohibition against loitering and congregating is enforced. ~~When~~ 35305

When the period of time during which the polling place is 35306
open for voting expires, all of ~~said~~ the flags described in this 35307
division shall be taken into the polling place, and shall be 35308
returned to the board together with all other election ~~materials~~ 35309
~~and~~ supplies required to be delivered to ~~such~~ the board. 35310

(B) The board of elections shall follow the instructions and 35311
advisories of the secretary of state in the production and use of 35312
polling place supplies. 35313

Sec. 3503.10. (A) Each designated agency shall designate one 35314
person within that agency to serve as coordinator for the voter 35315
registration program within the agency and its departments, 35316
divisions, and programs. The designated person shall be trained 35317
under a program designed by the secretary of state and shall be 35318
responsible for administering all aspects of the voter 35319
registration program for that agency as prescribed by the 35320
secretary of state. The designated person shall receive no 35321
additional compensation for performing such duties. 35322

(B) Every designated agency, public high school and 35323
vocational school, public library, and office of a county 35324
treasurer shall provide in each of its offices or locations voter 35325
registration applications and assistance in the registration of 35326
persons qualified to register to vote, in accordance with this 35327
chapter. 35328

(C) Every designated agency shall distribute to its 35329
applicants, prior to or in conjunction with distributing a voter 35330
registration application, a form prescribed by the secretary of 35331
state that includes all of the following: 35332

(1) The question, "Do you want to register to vote or update 35333

your current voter registration?"--followed by boxes for the 35334
applicant to indicate whether the applicant would like to register 35335
or decline to register to vote, and the statement, highlighted in 35336
bold print, "If you do not check either box, you will be 35337
considered to have decided not to register to vote at this time."; 35338

(2) If the agency provides public assistance, the statement, 35339
"Applying to register or declining to register to vote will not 35340
affect the amount of assistance that you will be provided by this 35341
agency."; 35342

(3) The statement, "If you would like help in filling out the 35343
voter registration application form, we will help you. The 35344
decision whether to seek or accept help is yours. You may fill out 35345
the application form in private."; 35346

(4) The statement, "If you believe that someone has 35347
interfered with your right to register or to decline to register 35348
to vote, your right to privacy in deciding whether to register or 35349
in applying to register to vote, or your right to choose your own 35350
political party or other political preference, you may file a 35351
complaint with the prosecuting attorney of your county or with the 35352
secretary of state," with the address and telephone number for 35353
each such official's office. 35354

(D) Each designated agency shall distribute a voter 35355
registration form prescribed by the secretary of state to each 35356
applicant with each application for service or assistance, and 35357
with each written application or form for recertification, 35358
renewal, or change of address. 35359

(E) Each designated agency shall do all of the following: 35360

(1) Have employees trained to administer the voter 35361
registration program in order to provide to each applicant who 35362
wishes to register to vote and who accepts assistance, the same 35363
degree of assistance with regard to completion of the voter 35364

registration application as is provided by the agency with regard 35365
to the completion of its own form; 35366

(2) Accept completed voter registration applications, voter 35367
registration change of residence forms, and voter registration 35368
change of name forms, regardless of whether the application or 35369
form was distributed by the designated agency, for transmittal to 35370
the office of the board of elections in the county in which the 35371
agency is located. Each designated agency and the appropriate 35372
board of elections shall establish a method by which the voter 35373
registration applications and other voter registration forms are 35374
transmitted to that board of elections within five days after 35375
being accepted by the agency. 35376

(3) If the designated agency is one that is primarily engaged 35377
in providing services to persons with disabilities under a 35378
state-funded program, and that agency provides services to a 35379
person with disabilities at a person's home, provide the services 35380
described in divisions (E)(1) and (2) of this section at the 35381
person's home; 35382

(4) Keep as confidential, except as required by the secretary 35383
of state for record-keeping purposes, the identity of an agency 35384
through which a person registered to vote or updated the person's 35385
voter registration records, and information relating to a 35386
declination to register to vote made in connection with a voter 35387
registration application issued by a designated agency. 35388

(F) The secretary of state shall prepare and transmit written 35389
instructions on the implementation of the voter registration 35390
program within each designated agency, public high school and 35391
vocational school, public library, and office of a county 35392
treasurer. The instructions shall include directions as follows: 35393

(1) That each person designated to assist with voter 35394
registration maintain strict neutrality with respect to a person's 35395

political philosophies, a person's right to register or decline to register, and any other matter that may influence a person's decision to register or not register to vote;

(2) That each person designated to assist with voter registration not seek to influence a person's decision to register or not register to vote, not display or demonstrate any political preference or party allegiance, and not make any statement to a person or take any action the purpose or effect of which is to lead a person to believe that a decision to register or not register has any bearing on the availability of services or benefits offered, on the grade in a particular class in school, or on credit for a particular class in school;

(3) Regarding when and how to assist a person in completing the voter registration application, what to do with the completed voter registration application or voter registration update form, and when the application must be transmitted to the appropriate board of elections;

(4) Regarding what records must be kept by the agency and where and when those records should be transmitted to satisfy reporting requirements imposed on the secretary of state under the National Voter Registration Act of 1993;

(5) Regarding whom to contact to obtain answers to questions about voter registration forms and procedures.

(G) If the voter registration activity is part of an in-class voter registration program in a public high school or vocational school, whether prescribed by the secretary of state or independent of the secretary of state, the board of education shall do all of the following:

(1) Establish a schedule of school days and hours during these days when the person designated to assist with voter registration shall provide voter registration assistance;

(2) Designate a person to assist with voter registration from	35427
the public high school's or vocational school's staff;	35428
(3) Make voter registration applications and materials	35429
available, as outlined in the voter registration program	35430
established by the secretary of state pursuant to section 3501.05	35431
of the Revised Code;	35432
(4) Distribute the statement, "applying to register or	35433
declining to register to vote will not affect or be a condition of	35434
your receiving a particular grade in or credit for a school course	35435
or class, participating in a curricular or extracurricular	35436
activity, receiving a benefit or privilege, or participating in a	35437
program or activity otherwise available to pupils enrolled in this	35438
school district's schools.";	35439
(5) Establish a method by which the voter registration	35440
application and other voter registration forms are transmitted to	35441
the board of elections within five days after being accepted by	35442
the public high school or vocational school.	35443
(H) Any person employed by the designated agency, public high	35444
school or vocational school, public library, or office of a county	35445
treasurer may be designated to assist with voter registration	35446
pursuant to this section. The designated agency, public high	35447
school or vocational school, public library, or office of a county	35448
treasurer shall provide the designated person, and make available	35449
such space as may be necessary, without charge to the county or	35450
state.	35451
(I) The secretary of state shall prepare and cause to be	35452
displayed in a prominent location in each designated agency a	35453
notice that identifies the person designated to assist with voter	35454
registration, the nature of that person's duties, and where and	35455
when that person is available for assisting in the registration of	35456
voters.	35457

A designated agency may furnish additional supplies and 35458
services to disseminate information to increase public awareness 35459
of the existence of a person designated to assist with voter 35460
registration in every designated agency. 35461

(J) This section does not limit any authority a board of 35462
education, superintendent, or principal has to allow, sponsor, or 35463
promote voluntary election registration programs within a high 35464
school or vocational school, including programs in which pupils 35465
serve as persons designated to assist with voter registration, 35466
provided that no pupil is required to participate. 35467

(K) Each public library and office of the county treasurer 35468
shall establish a method by which voter registration forms are 35469
transmitted to the board of elections within five days after being 35470
accepted by the public library or office of the county treasurer. 35471

(L) The department of job and family services and its 35472
departments, divisions, and programs shall limit administration of 35473
the aspects of the voter registration program for the department 35474
to the requirements prescribed by the secretary of state and the 35475
requirements of this section and the National Voter Registration 35476
Act of 1993. 35477

Sec. 3505.01. On the sixtieth day before the day of the next 35478
general election, the secretary of state shall certify to the 35479
board of elections of each county the forms of the official 35480
ballots to be used at ~~such~~ that general election, together with 35481
the names of the candidates to be printed ~~thereon~~ on those ballots 35482
whose candidacy is to be submitted to the electors of the entire 35483
state. In the case of the presidential ballot for a general 35484
election ~~such, that~~ certification shall be made on the ~~sixtieth~~ 35485
fifty-fifth day before the day of the general election. On the 35486
seventy-fifth day before a special election to be held on the day 35487
specified by division (E) of section 3501.01 of the Revised Code 35488

for the holding of a primary election, designated by the general 35489
assembly for the purpose of submitting to the voters of the state 35490
constitutional amendments proposed by the general assembly, the 35491
secretary of state shall certify to the board of elections of each 35492
county the forms of the official ballots to be used at ~~such~~ that 35493
election. 35494

The board of the most populous county in each district 35495
comprised of more than one county but less than all of the 35496
counties of the state, in which there are candidates whose 35497
candidacies are to be submitted to the electors of ~~such~~ that 35498
district, shall, on the sixtieth day before the day of the next 35499
general election, certify to the board of each county in ~~such~~ the 35500
district the names of ~~such~~ those candidates to be printed on such 35501
ballots. 35502

The board of a county in which the major portion of a 35503
subdivision, located in more than one county, is located shall, on 35504
the sixtieth day before the day of the next general election, 35505
certify to the board of each county in which other portions of 35506
~~such subdivisions~~ that subdivision are located the names of 35507
candidates whose candidacies are to be submitted to the electors 35508
of ~~such~~ that subdivision, to be printed on such ballots. 35509

If, subsequently to the sixtieth day before, or in the case 35510
of a presidential ballot for a general election the fifty-fifth 35511
day before, and prior to the tenth day before the day of ~~such~~ a 35512
general election, a certificate is filed with the secretary of 35513
state to fill a vacancy caused by the death of a candidate, the 35514
secretary of state shall forthwith make a supplemental 35515
certification to the board of each county amending and correcting 35516
~~his~~ the secretary of state's original certification provided for 35517
in the first paragraph of this section. If, within ~~such~~ that time, 35518
such a certificate is filed with the board of the most populous 35519
county in a district comprised of more than one county but less 35520

than all of the counties of the state, or with the board of a 35521
county in which the major portion of the population of a 35522
subdivision, located in more than one county, is located, ~~such the~~ 35523
board with which ~~such a~~ the certificate is filed shall forthwith 35524
make a supplemental certification to the board of each county in 35525
~~such the~~ district or to the board of each county in which other 35526
portions of ~~such the~~ subdivision are located, amending and 35527
correcting its original certification provided for in the second 35528
and third paragraphs of this section. If, at the time such 35529
supplemental certification is received by a board, ballots 35530
carrying the name of the deceased candidate have been printed, 35531
~~such the~~ board shall cause strips of paper bearing the name of the 35532
candidate certified to fill ~~such the~~ vacancy to be printed and 35533
pasted on ~~such those~~ ballots so as to cover the name of the 35534
deceased candidate, except that in voting places using marking 35535
devices, the board shall cause strips of paper bearing the revised 35536
list of candidates for the office, after certification of a 35537
candidate to fill ~~such the~~ vacancy, to be printed and pasted on 35538
~~such the~~ ballot ~~card~~ cards so as to cover the names of candidates 35539
shown prior to the new certification, before such ballots are 35540
delivered to electors. 35541

Sec. 3505.061. (A) The Ohio ballot board, as authorized by 35542
Section 1 of Article XVI, Ohio Constitution, shall consist of the 35543
secretary of state and four appointed members. No more than two of 35544
the appointed members shall be of the same political party. One of 35545
the members shall be appointed by the president of the senate, one 35546
shall be appointed by the minority leader of the senate, one shall 35547
be appointed by the speaker of the house of representatives, and 35548
one shall be appointed by the minority leader of the house of 35549
representatives. The appointments shall be made no later than the 35550
last Monday in January in the year in which the appointments are 35551
to be made. If any appointment is not so made, the secretary of 35552

state, acting in place of the person otherwise required to make 35553
the appointment, shall appoint as many qualified members 35554
affiliated with the appropriate political party as are necessary. 35555

(B)(1) The initial appointees to the board shall serve until 35556
the first Monday in February, 1977. Thereafter, terms of office 35557
shall be for four years, each term ending on the first Monday in 35558
February. The term of the secretary of state on the board shall 35559
coincide with the secretary of state's term of office. Except as 35560
otherwise provided in division (B)(2) of this section, division 35561
(B)(2) of section 3505.063, and division (B)(2) of section 3519.03 35562
of the Revised Code, each appointed member shall hold office from 35563
the date of appointment until the end of the term for which the 35564
member was appointed. Except as otherwise provided in those 35565
divisions, any member appointed to fill a vacancy occurring prior 35566
to the expiration of the term for which the member's predecessor 35567
was appointed shall hold office for the remainder of that term. 35568
Except as otherwise provided in those divisions, any member shall 35569
continue in office subsequent to the expiration date of the 35570
member's term until the member's successor takes office or a 35571
period of sixty days has elapsed, whichever occurs first. Any 35572
vacancy occurring on the board shall be filled in the manner 35573
provided for original appointments. A member appointed to fill a 35574
vacancy shall be of the same political party as that required of 35575
the member whom the member replaces. 35576

(2) The term of office of a member of the board who also is a 35577
member of the general assembly and who was appointed to the board 35578
by the president of the senate, the minority leader of the senate, 35579
the speaker of the house of representatives, or the minority 35580
leader of the house of representatives shall end on the earlier of 35581
the following dates: 35582

(a) The ending date of the ballot board term for which the 35583
member was appointed; 35584

(b) The ending date of the member's term as a member of the 35585
general assembly. 35586

(C) Members of the board shall serve without compensation but 35587
shall be reimbursed for expenses actually and necessarily incurred 35588
in the performance of their duties. 35589

(D) The secretary of state shall be the chairperson of the 35590
board, and the secretary of state or the secretary of state's 35591
representative shall have a vote equal to that of any other 35592
member. The vice-chairperson shall act as chairperson in the 35593
absence or disability of the chairperson, or during a vacancy in 35594
that office. The board shall meet after notice of at least seven 35595
days at a time and place determined by the chairperson. At its 35596
first meeting, the board shall elect a vice-chairperson from among 35597
its members for a term of two years, and it shall adopt rules for 35598
its procedures. After the first meeting, the board shall meet at 35599
the call of the chairperson or upon the written request of three 35600
other members. Three members constitute a quorum. No action shall 35601
be taken without the concurrence of three members. 35602

(E) The secretary of state shall provide technical, 35603
professional, and clerical employees as necessary for the board to 35604
carry out its duties. 35605

Sec. 3505.08. (A) Ballots shall be provided by the board of 35606
elections for all general and special elections. ~~Such~~ The ballots 35607
shall be printed with black ink on No. 2 white book paper fifty 35608
pounds in weight per ream assuming such ream to consist of five 35609
hundred sheets of such paper twenty-five by thirty-eight inches in 35610
size. Each ballot shall have attached at the top two stubs, each 35611
of the width of the ballot and not less than one-half inch in 35612
length, except that, if the board of elections has an alternate 35613
method to account for the ballots that the secretary of state has 35614
authorized, each ballot may have only one stub that shall be the 35615

width of the ballot and not less than one-half inch in length. In 35616
the case of ballots with two stubs, the stubs shall be separated 35617
from the ballot and from each other by perforated lines. The top 35618
stub shall be known as Stub B and shall have printed on its face 35619
"Stub B." The other stub shall be known as Stub A and shall have 35620
printed on its face "Stub A." Each stub shall also have printed on 35621
its face "Consecutive Number" ~~Each~~ 35622

Each ballot of each kind of ballot provided for use in each 35623
precinct shall be numbered consecutively beginning with number 1 35624
by printing such number upon both of the stubs attached ~~thereto to~~ 35625
the ballot. On ballots bearing the names of candidates, each 35626
candidate's name shall be printed in twelve point boldface upper 35627
case type in an enclosed rectangular space, and an enclosed blank 35628
rectangular space shall be provided at the left ~~thereof of the~~ 35629
candidate's name. The name of the political party of a candidate 35630
nominated at a primary election or certified by a party committee 35631
shall be printed in ten point lightface upper and lower case type 35632
and shall be separated by a two point blank space. The name of 35633
each candidate shall be indented one space within ~~such the~~ 35634
enclosed rectangular space, and the name of the political party 35635
shall be indented two spaces within ~~such the enclosed~~ rectangular 35636
space. ~~The~~ 35637

The title of each office on ~~such the~~ ballots shall be printed 35638
in twelve point boldface upper and lower case type in a separate 35639
enclosed rectangular space. A four point rule shall separate the 35640
name of a candidate or a group of candidates for the same office 35641
from the title of the office next appearing below on the ballot, 35642
~~and~~; a two point rule shall separate the title of the office from 35643
the names of candidates; and a one point rule shall separate names 35644
of candidates. Headings shall be printed in display Roman type. 35645
When the names of several candidates are grouped together as 35646
candidates for the same office, there shall be printed on ~~such the~~ 35647

ballots immediately below the title of ~~such~~ the office and within 35648
the separate rectangular space in which ~~such~~ the title is printed 35649
"Vote for not more than," in six point boldface upper and 35650
lower case filling the blank space with that number which will 35651
indicate the number of persons who may be lawfully elected to ~~such~~ 35652
the office. 35653

Columns on ballots shall be separated from each other by a 35654
heavy vertical border or solid line at least one-eighth of an inch 35655
wide, and a similar vertical border or line shall enclose the left 35656
and right side of ballots, ~~and ballots.~~ Ballots shall be trimmed 35657
along the sides close to such lines. 35658

The ballots provided for by this section shall be comprised 35659
of four kinds of ballots designated as follows: ~~(A)~~ office type 35660
ballot; ~~(B)~~ nonpartisan ballot; ~~(C)~~ questions and issues ballot; 35661
~~(D)~~ and presidential ballot. 35662

On the back of each office type ballot shall be printed 35663
"Official Office Type Ballot;" on the back of each nonpartisan 35664
ballot shall be printed "Official Nonpartisan Ballot;" on the back 35665
of each questions and issues ballot shall be printed "Official 35666
Questions and Issues Ballot;" and on the back of each presidential 35667
ballot shall be printed "Official Presidential Ballot." On the 35668
back of every ballot also shall be printed the date of the 35669
election at which the ballot is used and the facsimile signatures 35670
of the members of the board of the county in which the ballot is 35671
used. For the purpose of identifying the kind of ballot, the back 35672
of every ballot may be numbered in ~~such~~ the order ~~as~~ the board 35673
shall determine. ~~Such~~ The numbers shall be printed in not less 35674
than thirty-six point type above the words "Official Office Type 35675
Ballot," "Official Nonpartisan Ballot," "Official Questions and 35676
Issues Ballot," or "Official Presidential Ballot," as the case may 35677
be. Ballot boxes bearing corresponding numbers shall be furnished 35678
for each precinct in which the above-described numbered ballots 35679

are used. 35680

On the back of every ballot used, there shall be a solid 35681
black line printed opposite the blank rectangular space that is 35682
used to mark the choice of the voter. This line shall be printed 35683
wide enough so that the mark in the blank rectangular space will 35684
not be visible from the back side of the ballot. 35685

Sample ballots may be printed by the board of elections for 35686
all general elections. ~~Such~~ The ballots shall be printed on 35687
colored paper, and "Sample Ballot" shall be plainly printed in 35688
boldface type on the face of each ballot. In counties of less than 35689
one hundred thousand population, the board may print not more than 35690
five hundred sample ballots; in all other counties, it may print 35691
not more than one thousand sample ballots. ~~Such~~ The sample ballots 35692
shall not be distributed by a political party or a candidate, nor 35693
shall a political party or candidate cause their title or name to 35694
be imprinted ~~thereon~~ on sample ballots. 35695

(B) Notwithstanding division (A) of this section, in 35696
approving the form of an official ballot, the secretary of state 35697
may authorize the use of fonts, type face settings, and ballot 35698
formats other than those prescribed in that division. 35699

Sec. 3505.10. (A) On the presidential ballot below the stubs 35700
at the top of the face of the ballot shall be printed "Official 35701
Presidential Ballot" centered between the side edges of the 35702
ballot. Below "Official Presidential Ballot" shall be printed a 35703
heavy line centered between the side edges of the ballot. Below 35704
the line shall be printed "Instruction to Voters" centered between 35705
the side edges of the ballot, and below ~~such~~ those words shall be 35706
printed the following instructions: 35707

~~(A)~~ (1) To vote for the candidates for president and 35708
vice-president whose names are printed below, record your vote in 35709
the manner provided next to the names of such candidates. That 35710

recording of the vote will be counted as a vote for each of the 35711
candidates for presidential elector whose names have been 35712
certified to the secretary of state and who are members of the 35713
same political party as the nominees for president and 35714
vice-president. A recording of the vote for independent candidates 35715
for president and vice-president shall be counted as a vote for 35716
the presidential electors filed by such candidates with the 35717
secretary of state. 35718

~~(B)~~(2) To vote for candidates for president and 35719
vice-president in the blank space below, record your vote in the 35720
manner provided and write the names of your choice for president 35721
and vice-president under the respective headings provided for 35722
those offices. Such write-in will be counted as a vote for the 35723
candidates' presidential electors whose names have been properly 35724
certified to the secretary of state. 35725

~~(C)~~(3) If you tear, soil, deface, or erroneously mark this 35726
ballot, return it to the precinct election officers or, if you 35727
cannot return it, notify the precinct election officers, and 35728
obtain another ballot." 35729

(B) Below ~~such~~ those instructions to the voter shall be 35730
printed a single vertical column of enclosed rectangular spaces 35731
equal in number to the number of presidential candidates plus one 35732
additional space for write-in candidates. Each of ~~such~~ those 35733
rectangular spaces shall be enclosed by a heavy line along each of 35734
its four sides, and such spaces shall be separated from each other 35735
by one-half inch of open space. 35736

In each of ~~such~~ those enclosed rectangular spaces, except the 35737
space provided for write-in candidates, shall be printed the names 35738
of the candidates for president and vice-president certified to 35739
the secretary of state or nominated as such in one of the 35740
following manners: 35741

(1) Nominated by the national convention of a political party 35742
to which delegates and alternates were elected in this state at 35743
the next preceding primary election ~~and the names of those~~ 35744
~~independent candidates nominated.~~ A political party certifying 35745
candidates so nominated shall certify the names of those 35746
candidates to the secretary of state on or before the sixtieth day 35747
before the day of the general election. 35748

(2) Nominated by nominating petition in accordance with 35749
section 3513.257 of the Revised Code. ~~The~~ Such a petition shall be 35750
filed on or before the seventy-fifth day before the day of the 35751
general election to provide sufficient time to verify the 35752
sufficiency and accuracy of signatures on it. 35753

(3) Certified to the secretary of state for placement on the 35754
presidential ballot by authorized officials of an intermediate or 35755
minor political party that has held a state or national convention 35756
for the purpose of choosing those candidates or that may, without 35757
a convention, certify those candidates in accordance with the 35758
procedure authorized by its party rules. The officials shall 35759
certify the names of those candidates to the secretary of state on 35760
or before the sixtieth day before the day of the general election. 35761
The certification shall be accompanied by a designation of a 35762
sufficient number of presidential electors to satisfy the 35763
requirements of law. 35764

The names of candidates for electors of president and 35765
vice-president shall not be placed on the ballot, but shall be 35766
certified to the secretary of state as required by sections 35767
3513.11 and 3513.257 of the Revised Code. ~~The names of candidates~~ 35768
~~for president and vice president may be certified to the secretary~~ 35769
~~of state, for placement on the presidential ballot, by authorized~~ 35770
~~officials of an intermediate or minor political party which has~~ 35771
~~held a state or national convention for the purpose of choosing~~ 35772
~~such candidates, or which may, without convention, certify such~~ 35773

~~candidates in accordance with the procedure authorized by its~~ 35774
~~party rules. Certification to the secretary of state of such~~ 35775
~~candidates shall be made on or before the seventy fifth day before~~ 35776
~~the day of the general election and shall be accompanied by~~ 35777
~~designation of a sufficient number of presidential electors to~~ 35778
~~satisfy the requirements of law. A vote for any of such candidates~~ 35779
for president and vice-president shall be a vote for the electors 35780
of ~~such~~ those candidates whose names have been certified to the 35781
secretary of state. 35782

(C) The arrangement of the printing in each of ~~such~~ the 35783
enclosed rectangular spaces shall be substantially as follows: 35784
Near the top and centered within the rectangular space shall be 35785
printed "For President" in ten-point boldface upper and lower case 35786
type. Below "For President" shall be printed the name of the 35787
candidate for president in twelve-point boldface upper case type. 35788
Below the name of the candidate for president shall be printed the 35789
name of the political party by which ~~such~~ that candidate for 35790
president was nominated in eight-point lightface upper and lower 35791
case type. Below the name of such political party shall be printed 35792
"For Vice-President" in ten-point boldface upper and lower case 35793
type. Below "For Vice-President" shall be printed the name of the 35794
candidate for vice-president in twelve-point boldface upper case 35795
type. Below the name of the candidate for vice-president shall be 35796
printed the name of the political party by which ~~such~~ that 35797
candidate for vice-president was nominated in eight-point 35798
lightface upper and lower case type. No political identification 35799
or name of any political party shall be printed below the names of 35800
presidential and vice-presidential candidates nominated by 35801
petition. 35802

The rectangular spaces on the ballot described in this 35803
section shall be rotated and printed as provided in section 35804
3505.03 of the Revised Code. 35805

Sec. 3506.20. (A) Notwithstanding anything in the Revised Code to the contrary, the secretary of state shall not do either of the following: 35806
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(1) Issue instructions by a rule, directive, or advisory to any county board of elections requiring the board to be in full compliance with the "Help America Vote Act of 2002," 116 Stat. 1666, 42 U.S.C. 15301, by a date that is earlier than January 1, 2005; 35809
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(2) Otherwise specify a date earlier than January 1, 2005, by which a county board of elections shall be in full compliance with the "Help America Vote Act of 2002," 116 Stat. 1666, 42 U.S.C. 15301. 35814
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(B) Notwithstanding any provision of section 3501.11 of the Revised Code to the contrary, a county board of elections shall not submit to the secretary of state, and the secretary of state shall not decide, any tie vote or disagreement of the board on whether the board will fully comply with the "Help America Vote Act of 2002," 116 Stat. 1666, 42 U.S.C. 15301, by a date that is earlier than January 1, 2005. 35818
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(C) The secretary of state shall apply for a waiver, pursuant to the "Help America Vote Act of 2002," 116 Stat. 1666, 42 U.S.C. 15301, of any applicable deadlines for the act's implementation earlier than January 1, 2005, except that the application shall not preclude any county board of elections that chooses to fully comply with the act by a date that is earlier than January 1, 2005, from doing so. 35825
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Sec. 3517.092. (A) As used in this section: 35832

(1) "Appointing authority" has the same meaning as in section 124.01 of the Revised Code. 35833
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(2) "State elected officer" means any person appointed or elected to a state elective office.	35835 35836
(3) "State elective office" means any of the offices of governor, lieutenant governor, secretary of state, auditor of state, treasurer of state, attorney general, member of the state board of education, member of the general assembly, and justice and chief justice of the supreme court.	35837 35838 35839 35840 35841
(4) "County elected officer" means any person appointed or elected to a county elective office.	35842 35843
(5) "County elective office" means any of the offices of county auditor, county treasurer, clerk of the court of common pleas, sheriff, county recorder, county engineer, county commissioner, prosecuting attorney, and coroner.	35844 35845 35846 35847
(6) "Contribution" includes a contribution to any political party, campaign committee, political action committee, political contributing entity, or legislative campaign fund.	35848 35849 35850
(B) No state elected officer, no campaign committee of such an officer, and no other person or entity shall knowingly solicit or accept a contribution on behalf of that officer or that officer's campaign committee from any of the following:	35851 35852 35853 35854
(1) A state employee whose appointing authority is the state elected officer;	35855 35856
(2) A state employee whose appointing authority is authorized or required by law to be appointed by the state elected officer;	35857 35858
(3) A state employee who functions in or is employed in or by the same public agency, department, division, or office as the state elected officer.	35859 35860 35861
(C) No candidate for a state elective office, no campaign committee of such a candidate, and no other person or entity shall knowingly solicit or accept a contribution on behalf of that	35862 35863 35864

candidate or that candidate's campaign committee from any of the 35865
following: 35866

(1) A state employee at the time of the solicitation, whose 35867
appointing authority will be the candidate, if elected; 35868

(2) A state employee at the time of the solicitation, whose 35869
appointing authority will be appointed by the candidate, if 35870
elected, as authorized or required by law; 35871

(3) A state employee at the time of the solicitation, who 35872
will function in or be employed in or by the same public agency, 35873
department, division, or office as the candidate, if elected. 35874

(D) No county elected officer, no campaign committee of such 35875
an officer, and no other person or entity shall knowingly solicit 35876
a contribution on behalf of that officer or that officer's 35877
campaign committee from any of the following: 35878

(1) A county employee whose appointing authority is the 35879
county elected officer; 35880

(2) A county employee whose appointing authority is 35881
authorized or required by law to be appointed by the county 35882
elected officer; 35883

(3) A county employee who functions in or is employed in or 35884
by the same public agency, department, division, or office as the 35885
county elected officer. 35886

(E) No candidate for a county elective office, no campaign 35887
committee of such a candidate, and no other person or entity shall 35888
knowingly solicit a contribution on behalf of that candidate or 35889
that candidate's campaign committee from any of the following: 35890

(1) A county employee at the time of the solicitation, whose 35891
appointing authority will be the candidate, if elected; 35892

(2) A county employee at the time of the solicitation, whose 35893
appointing authority will be appointed by the candidate, if 35894

elected, as authorized or required by law; 35895

(3) A county employee at the time of the solicitation, who 35896
will function in or be employed in or by the same public agency, 35897
department, division, or office as the candidate, if elected. 35898

(F)(1) No public employee shall solicit a contribution from 35899
any person while the public employee is performing the public 35900
employee's official duties or in those areas of a public building 35901
where official business is transacted or conducted. 35902

(2) No person shall solicit a contribution from any public 35903
employee while the public employee is performing the public 35904
employee's official duties or is in those areas of a public 35905
building where official business is transacted or conducted. 35906

(3) As used in division (F) of this section, "public 35907
employee" does not include any person holding an elective office. 35908

(G) The prohibitions in divisions (B), (C), (D), (E), and (F) 35909
of this section are in addition to the prohibitions in sections 35910
124.57, ~~1553.09~~, 3304.22, and 4503.032 of the Revised Code. 35911

Sec. 3701.021. (A) The public health council shall adopt, in 35912
accordance with Chapter 119. of the Revised Code, such rules as 35913
are necessary to carry out sections 3701.021 to ~~3701.028~~ 3701.0210 35914
of the Revised Code, including, but not limited to, rules to 35915
establish the following: 35916

(1) Medical and financial eligibility requirements for the 35917
program for medically handicapped children; 35918

(2) Eligibility requirements for providers of services for 35919
medically handicapped children; 35920

(3) Procedures to be followed by the department of health in 35921
disqualifying providers for violating requirements adopted under 35922
division (A)(2) of this section; 35923

(4) Procedures to be used by the department regarding application for diagnostic services under division (B) of section 3701.023 of the Revised Code and payment for those services under division (E) of that section;	35924 35925 35926 35927
(5) Standards for the provision of service coordination by the department of health and city and general health districts;	35928 35929
(6) Procedures for the department to use to determine the amount to be paid annually by each county for services for medically handicapped children and to allow counties to retain funds under divisions (A)(2) and (3) of section 3701.024 of the Revised Code;	35930 35931 35932 35933 35934
(7) Financial eligibility requirements for services for Ohio residents twenty-one years of age or older who have cystic fibrosis;	35935 35936 35937
(8) Criteria for payment of approved providers who provide services for medically handicapped children;	35938 35939
(9) Criteria for the department to use in determining whether the payment of health insurance premiums of participants in the program for medically handicapped children is cost-effective;	35940 35941 35942
(10) Procedures for appeal of denials of applications under divisions (A) and (D) of section 3701.023 of the Revised Code, disqualification of providers, and amounts paid for services;	35943 35944 35945
(11) Terms of appointment for members of the medically handicapped children's medical advisory council created in section 3701.025 of the Revised Code;	35946 35947 35948
<u>(12) Eligibility requirements for the hemophilia program, including income and hardship requirements.</u>	35949 35950
(B) The department of health shall develop a manual of operational procedures and guidelines for the program for medically handicapped children to implement sections 3701.021 to	35951 35952 35953

3701.028 <u>3701.0210</u> of the Revised Code.	35954
Sec. 3701.022. As used in sections 3701.021 to 3701.028	35955
<u>3701.0210</u> of the Revised Code:	35956
(A) "Medically handicapped child" means an Ohio resident	35957
under twenty-one years of age who suffers primarily from an	35958
organic disease, defect, or a congenital or acquired physically	35959
handicapping and associated condition that may hinder the	35960
achievement of normal growth and development.	35961
(B) "Provider" means a health professional, hospital, medical	35962
equipment supplier, and any individual, group, or agency that is	35963
approved by the department of health pursuant to division (C) of	35964
section 3701.023 of the Revised Code and that provides or intends	35965
to provide goods or services to a child who is eligible for the	35966
program for medically handicapped children.	35967
(C) "Service coordination" means case management services	35968
provided to medically handicapped children that promote effective	35969
and efficient organization and utilization of public and private	35970
resources and ensure that care rendered is family-centered,	35971
community-based, and coordinated.	35972
(D)(1) "Third party" means any person or government entity	35973
other than the following:	35974
(a) A medically handicapped child participating in the	35975
program for medically handicapped children or the child's parent	35976
or guardian;	35977
(b) The department or any program administered by the	35978
department, including the "Maternal and Child Health Block Grant,"	35979
Title V of the "Social Security Act," 95 Stat. 818 (1981), 42	35980
U.S.C.A. 701, as amended;	35981
(c) The "caring program for children" operated by the	35982
nonprofit community mutual insurance corporation.	35983

(2) "Third party" includes all of the following:	35984
(a) Any trust established to benefit a medically handicapped child participating in the program or the child's family or guardians, if the trust was established after the date the medically handicapped child applied to participate in the program;	35985 35986 35987 35988
(b) That portion of a trust designated to pay for the medical and ancillary care of a medically handicapped child, if the trust was established on or before the date the medically handicapped child applied to participate in the program;	35989 35990 35991 35992
(c) The program awarding reparations to victims of crime established under sections 2743.51 to 2743.72 of the Revised Code.	35993 35994
(E) "Third-party benefits" means any and all benefits paid by a third party to or on behalf of a medically handicapped child participating in the program or the child's parent or guardian for goods or services that are authorized by the department pursuant to division (B) or (D) of section 3701.023 of the Revised Code.	35995 35996 35997 35998 35999
<u>(F) "Hemophilia program" means the hemophilia program the department of health is required to establish and administer under section 3701.029 of the Revised Code.</u>	36000 36001 36002
Sec. 3701.024. (A)(1) Under a procedure established in rules adopted under section 3701.021 of the Revised Code, the department of health shall determine the amount each county shall provide annually for the program for medically handicapped children, based on a proportion of the county's total general property tax duplicate, not to exceed one-tenth of a mill through fiscal year 2005 and three tenths of a mill thereafter , and charge the county for any part of expenses incurred under the program for treatment services on behalf of medically handicapped children having legal settlement in the county that is not paid from federal funds or through the medical assistance program established under section	36003 36004 36005 36006 36007 36008 36009 36010 36011 36012 36013

5111.01 of the Revised Code. The department shall not charge the 36014
county for expenses exceeding the difference between the amount 36015
determined under division (A)(1) of this section and any amounts 36016
retained under divisions (A)(2) and (3) of this section. 36017

All amounts collected by the department under division (A)(1) 36018
of this section shall be deposited into the state treasury to the 36019
credit of the medically handicapped children-county assessment 36020
fund, which is hereby created. The fund shall be used by the 36021
department to comply with sections 3701.021 to 3701.028 of the 36022
Revised Code. 36023

(2) The department, in accordance with rules adopted under 36024
section 3701.021 of the Revised Code, may allow each county to 36025
retain up to ten per cent of the amount determined under division 36026
(A)(1) of this section to provide funds to city or general health 36027
districts of the county with which the districts shall provide 36028
service coordination, public health nursing, or transportation 36029
services for medically handicapped children. 36030

(3) In addition to any amount retained under division (A)(2) 36031
of this section, the department, in accordance with rules adopted 36032
under section 3701.021 of the Revised Code, may allow counties 36033
that it determines have significant numbers of potentially 36034
eligible medically handicapped children to retain an amount equal 36035
to the difference between: 36036

(a) Twenty-five per cent of the amount determined under 36037
division (A)(1) of this section; 36038

(b) Any amount retained under division (A)(2) of this 36039
section. 36040

Counties shall use amounts retained under division (A)(3) of 36041
this section to provide funds to city or general health districts 36042
of the county with which the districts shall conduct outreach 36043
activities to increase participation in the program for medically 36044

handicapped children. 36045

(4) Prior to any increase in the millage charged to a county, 36046
the public health council shall hold a public hearing on the 36047
proposed increase and shall give notice of the hearing to each 36048
board of county commissioners that would be affected by the 36049
increase at least thirty days prior to the date set for the 36050
hearing. Any county commissioner may appear and give testimony at 36051
the hearing. Any increase in the millage any county is required to 36052
provide for the program for medically handicapped children shall 36053
be determined, and notice of the amount of the increase shall be 36054
provided to each affected board of county commissioners, no later 36055
than the first day of June of the fiscal year next preceding the 36056
fiscal year in which the increase will take effect. 36057

(B) Each board of county commissioners shall establish a 36058
medically handicapped children's fund and shall appropriate 36059
thereto an amount, determined in accordance with division (A)(1) 36060
of this section, for the county's share in providing medical, 36061
surgical, and other aid to medically handicapped children residing 36062
in such county and for the purposes specified in divisions (A)(2) 36063
and (3) of this section. Each county shall use money retained 36064
under divisions (A)(2) and (3) of this section only for the 36065
purposes specified in those divisions. 36066

Sec. 3701.029. Subject to available funds, the department of 36067
health shall establish and administer a hemophilia program to 36068
provide payment of health insurance premiums for Ohio residents 36069
who meet all of the following requirements: 36070

(A) Have been diagnosed with hemophilia or a related bleeding 36071
disorder; 36072

(B) Are at least twenty-one years of age; 36073

(C) Meet the eligibility requirements established by rules 36074

adopted under division (A)(12) of section 3701.021 of the Revised Code. 36075
36076

Sec. ~~3701.145~~ 3701.0210. ~~The director of health~~ medically 36077
~~handicapped children's medical advisory council~~ shall ~~establish~~ 36078
~~appoint~~ a hemophilia advisory ~~council~~ subcommittee to advise the 36079
director ~~and the department~~ of health ~~and council~~ on all matters 36080
pertaining to the care and treatment of persons with hemophilia. 36081
~~The council~~ The duties of the subcommittee include, but are not 36082
limited to, the monitoring of care and treatment of children and 36083
adults who suffer from hemophilia or from other similar blood 36084
disorders. 36085

The subcommittee shall consist of not fewer than ~~nineteen~~ 36086
fifteen members, each of whom shall be appointed ~~by the director~~ 36087
to terms of four years. The members of the ~~council~~ subcommittee 36088
shall elect a chairperson from among the appointed membership to 36089
serve a term of two years. Members of the ~~council~~ subcommittee 36090
shall serve without compensation, except that they may be 36091
reimbursed for travel expenses to and from meetings of the ~~council~~ 36092
subcommittee. 36093

Members shall be appointed to represent all geographic areas 36094
of this state. Not fewer than five members of the ~~council~~ 36095
subcommittee shall be persons with hemophilia or family members of 36096
persons with hemophilia. Not fewer than five members shall be 36097
providers of health care services to persons with hemophilia. Not 36098
fewer than five members shall be experts in fields of importance 36099
to treatment of persons with hemophilia, including experts in 36100
infectious diseases, insurance, and law. 36101

~~The council shall submit to the director of health, the~~ 36102
~~governor, and the general assembly, a report no later than the~~ 36103
~~thirtieth day of September of each year summarizing the current~~ 36104
~~status and needs of persons in this state with hemophilia and of~~ 36105

~~family members of persons with hemophilia.~~ 36106

Notwithstanding section 101.83 of the Revised Code, that 36107
section does not apply to the medically handicapped children's 36108
medical advisory council hemophilia advisory subcommittee, and the 36109
subcommittee shall not expire under that section. 36110

Sec. 3701.141. (A) There is hereby created in the department 36111
of health the ~~office of women's health initiatives program,~~ 36112
~~consisting of the chief of the office and an administrative~~ 36113
~~assistant. To the extent of available funds, other positions~~ 36114
~~determined necessary and relevant by the director of health may be~~ 36115
~~added. The administrative assistant and all other employees~~ 36116
~~assigned to the office shall report to the chief and the chief to~~ 36117
~~the director or the deputy specified by the director.~~ 36118

(B) To the extent funds are available, the ~~office of women's~~ 36119
health ~~initiatives program~~ shall: 36120

(1) Identify, review, and assist the director in the 36121
coordination of programs and resources the department of health is 36122
committing to women's health concerns, including the department's 36123
women's and infants' program activities; 36124

(2) Advocate for women's health by requesting that the 36125
department conduct, sponsor, encourage, or fund research; 36126
establish additional programs regarding women's health concerns as 36127
needed; and monitor the research and program efforts; 36128

(3) Collect, classify, and store relevant research conducted 36129
by the department or other entities, and provide, unless otherwise 36130
prohibited by law, interested persons access to research results; 36131

(4) Generate Apply for grant activities opportunities. 36132

~~(C) Prior to the director's report to the governor on the~~ 36133
~~department's biennial budget request, the office of women's health~~ 36134
~~initiatives shall submit in writing to the director of health a~~ 36135

~~biennial report of recommended programs, projects, and research to~~ 36136
~~address critical issues in women's health.~~ 36137

Sec. 3701.61. (A) The department of health shall establish 36138
the help me grow program for the purpose of encouraging early 36139
prenatal and well-baby care. The program shall include 36140
distributing subsidies to counties to provide the following 36141
services: 36142

(1) Home-visiting services to newborn infants and their 36143
families; 36144

(2) Services to infants and toddlers under three years of age 36145
who are at risk for, or who have, a developmental delay or 36146
disability and their families. 36147

(B) The department shall not provide home-visiting services 36148
under the help me grow program unless requested in writing by a 36149
parent of the infant or toddler. 36150

(C) Pursuant to Chapter 119. of the Revised Code, the 36151
department shall adopt rules that are necessary and proper to 36152
implement this section. 36153

Sec. 3701.741. (A) Through December 31, 2004, each health 36154
care provider and medical records company shall provide copies of 36155
medical records in accordance with this section. 36156

(B) Except as provided in divisions (C) and (E) of this 36157
section, a health care provider or medical records company that 36158
receives a request for a copy of a patient's medical record may 36159
charge not more than the amounts set forth in this section. Total 36160
costs for copies and all services related to those copies shall 36161
not exceed the sum of the following: 36162

(1) An initial fee of fifteen dollars, which shall compensate 36163
for the records search; 36164

(2) With respect to data recorded on paper, the following amounts:	36165 36166
(a) One dollar per page for the first ten pages;	36167
(b) Fifty cents per page for pages eleven through fifty;	36168
(c) Twenty cents per page for pages fifty-one and higher.	36169
(3) With respect to data recorded other than on paper, the actual cost of making the copy;	36170 36171
(4) The actual cost of any related postage incurred by the health care provider or medical records company.	36172 36173
(C) A health care provider or medical records company shall provide one copy without charge to the following:	36174 36175
(1) The bureau of workers' compensation, in accordance with Chapters 4121. and 4123. of the Revised Code and the rules adopted under those chapters;	36176 36177 36178
(2) The industrial commission, in accordance with Chapters 4121. and 4123. of the Revised Code and the rules adopted under those chapters;	36179 36180 36181
(3) The department of job and family services, in accordance with Chapter 5101. of the Revised Code and the rules adopted under those chapters;	36182 36183 36184
(4) <u>The attorney general, in accordance with sections 2743.51 to 2743.72 of the Revised Code and any rules that may be adopted under those sections;</u>	36185 36186 36187
(5) A patient or patient's representative if the medical record is necessary to support a claim under Title II or Title XVI of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 401 and 1381, as amended, and the request is accompanied by documentation that a claim has been filed.	36188 36189 36190 36191 36192
(D) Division (C) of this section shall not be construed to	36193

supersede any rule of the bureau of workers' compensation, the 36194
industrial commission, or the department of job and family 36195
services. 36196

(E) A health care provider or medical records company may 36197
enter into a contract with a patient, a patient's representative, 36198
or an insurer for the copying of medical records at a fee other 36199
than as provided in division (B) of this section. 36200

(F) This section does not apply to either of the following: 36201

(1) Copies of medical records provided to insurers authorized 36202
under Title XXXIX of the Revised Code to do the business of 36203
sickness and accident insurance in this state or health insuring 36204
corporations holding a certificate of authority under Chapter 36205
1751. of the Revised Code; 36206

(2) Medical records the copying of which is covered by 36207
section 173.20 of the Revised Code or by 42 C.F.R. 483.10. 36208

(G) Nothing in this section requires or precludes the 36209
distribution of medical records at any particular cost or fee to 36210
insurers authorized under Title XXXIX of the Revised Code to do 36211
the business of sickness and accident insurance in this state or 36212
health insuring corporations holding a certificate of authority 36213
under Chapter 1751. of the Revised Code. 36214

Sec. 3701.83. (A) There is hereby created in the state 36215
treasury the general operations fund. Moneys in the fund shall be 36216
used for the purposes specified in sections 3701.04, 3701.344, 36217
~~3701.88,~~ 3702.20, 3710.15, 3711.021, 3717.45, 3721.02, 3722.04, 36218
3733.04, 3733.25, 3733.43, 3748.04, 3748.05, 3748.07, 3748.12, 36219
3748.13, 3749.04, 3749.07, 4747.04, 4751.04, and 4769.09 of the 36220
Revised Code. 36221

(B) The alcohol testing program fund is hereby created in the 36222
state treasury. The director of health shall use the fund to 36223

administer and enforce the alcohol testing and permit program 36224
authorized by section 3701.143 of the Revised Code. 36225

The fund shall receive transfers from the liquor control fund 36226
created under section 4301.12 of the Revised Code. All investment 36227
earnings of the alcohol testing program fund shall be credited to 36228
the fund. 36229

Sec. 3701.881. (A) As used in this section: 36230

(1) "Applicant" means both of the following: 36231

(a) A person who is under final consideration for appointment 36232
or employment with a home health agency in a position as a person 36233
responsible for the care, custody, or control of a child; 36234

(b) A person who is under final consideration for employment 36235
with a home health agency in a full-time, part-time, or temporary 36236
position that involves providing direct care to an older adult. 36237
With regard to persons providing direct care to older adults, 36238
"applicant" does not include a person who provides direct care as 36239
a volunteer without receiving or expecting to receive any form of 36240
remuneration other than reimbursement for actual expenses. 36241

(2) "Criminal records check" and "older adult" have the same 36242
meanings as in section 109.572 of the Revised Code. 36243

(3) "Home health agency" ~~has the same meaning as in section~~ 36244
~~3701.88 of the Revised Code~~ means a person or government entity, 36245
other than a nursing home, residential care facility, or hospice 36246
care program, that has the primary function of providing any of 36247
the following services to a patient at a place of residence used 36248
as the patient's home: 36249

(a) Skilled nursing care; 36250

(b) Physical therapy; 36251

(c) Speech-language pathology; 36252

<u>(d) Occupational therapy;</u>	36253
<u>(e) Medical social services;</u>	36254
<u>(f) Home health aide services.</u>	36255
(4) <u>"Home health aide services" means any of the following services provided by an individual employed with or contracted for by a home health agency:</u>	36256 36257 36258
<u>(a) Hands-on bathing or assistance with a tub bath or shower;</u>	36259
<u>(b) Assistance with dressing, ambulation, and toileting;</u>	36260
<u>(c) Catheter care but not insertion;</u>	36261
<u>(d) Meal preparation and feeding.</u>	36262
(5) <u>"Hospice care program" has the same meaning as in section 3712.01 of the Revised Code.</u>	36263 36264
(6) <u>"Medical social services" means services provided by a social worker under the direction of a patient's attending physician.</u>	36265 36266 36267
(7) <u>"Minor drug possession offense" has the same meaning as in section 2925.01 of the Revised Code.</u>	36268 36269
(8) <u>"Nursing home," "residential care facility," and "skilled nursing care" have the same meanings as in section 3721.01 of the Revised Code.</u>	36270 36271 36272
(9) <u>"Occupational therapy" has the same meaning as in section 4755.01 of the Revised Code.</u>	36273 36274
(10) <u>"Physical therapy" has the same meaning as in section 4755.40 of the Revised Code.</u>	36275 36276
(11) <u>"Social worker" means a person licensed under Chapter 4757. of the Revised Code to practice as a social worker or independent social worker.</u>	36277 36278 36279
(12) <u>"Speech-language pathology" has the same meaning as in</u>	36280

section 4753.01 of the Revised Code. 36281

(B)(1) Except as provided in division (I) of this section, 36282
the chief administrator of a home health agency shall request the 36283
superintendent of the bureau of criminal identification and 36284
investigation to conduct a criminal records check with respect to 36285
each applicant. If the position may involve both responsibility 36286
for the care, custody, or control of a child and provision of 36287
direct care to an older adult, the chief administrator shall 36288
request that the superintendent conduct a single criminal records 36289
check for the applicant. If an applicant for whom a criminal 36290
records check request is required under this division does not 36291
present proof of having been a resident of this state for the 36292
five-year period immediately prior to the date upon which the 36293
criminal records check is requested or does not provide evidence 36294
that within that five-year period the superintendent has requested 36295
information about the applicant from the federal bureau of 36296
investigation in a criminal records check, the chief administrator 36297
shall request that the superintendent obtain information from the 36298
federal bureau of investigation as a part of the criminal records 36299
check for the applicant. Even if an applicant for whom a criminal 36300
records check request is required under this division presents 36301
proof that the applicant has been a resident of this state for 36302
that five-year period, the chief administrator may request that 36303
the superintendent include information from the federal bureau of 36304
investigation in the criminal records check. 36305

(2) Any person required by division (B)(1) of this section to 36306
request a criminal records check shall provide to each applicant 36307
for whom a criminal records check request is required under that 36308
division a copy of the form prescribed pursuant to division (C)(1) 36309
of section 109.572 of the Revised Code and a standard impression 36310
sheet prescribed pursuant to division (C)(2) of section 109.572 of 36311
the Revised Code, obtain the completed form and impression sheet 36312

from each applicant, and forward the completed form and impression 36313
sheet to the superintendent of the bureau of criminal 36314
identification and investigation at the time the chief 36315
administrator requests a criminal records check pursuant to 36316
division (B)(1) of this section. 36317

(3) An applicant who receives pursuant to division (B)(2) of 36318
this section a copy of the form prescribed pursuant to division 36319
(C)(1) of section 109.572 of the Revised Code and a copy of an 36320
impression sheet prescribed pursuant to division (C)(2) of that 36321
section and who is requested to complete the form and provide a 36322
set of fingerprint impressions shall complete the form or provide 36323
all the information necessary to complete the form and shall 36324
provide the impression sheets with the impressions of the 36325
applicant's fingerprints. If an applicant, upon request, fails to 36326
provide the information necessary to complete the form or fails to 36327
provide fingerprint impressions, the home health agency shall not 36328
employ that applicant for any position for which a criminal 36329
records check is required by division (B)(1) of this section. 36330

(C)(1) Except as provided in rules adopted by the department 36331
of health in accordance with division (F) of this section and 36332
subject to division (C)(3) of this section, no home health agency 36333
shall employ a person as a person responsible for the care, 36334
custody, or control of a child if the person previously has been 36335
convicted of or pleaded guilty to any of the following: 36336

(a) A violation of section 2903.01, 2903.02, 2903.03, 36337
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 36338
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 36339
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 36340
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 36341
2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 36342
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 36343
2925.06, or 3716.11 of the Revised Code, a violation of section 36344

2905.04 of the Revised Code as it existed prior to July 1, 1996, a 36345
violation of section 2919.23 of the Revised Code that would have 36346
been a violation of section 2905.04 of the Revised Code as it 36347
existed prior to July 1, 1996, had the violation been committed 36348
prior to that date, a violation of section 2925.11 of the Revised 36349
Code that is not a minor drug possession offense, or felonious 36350
sexual penetration in violation of former section 2907.12 of the 36351
Revised Code; 36352

(b) A violation of an existing or former law of this state, 36353
any other state, or the United States that is substantially 36354
equivalent to any of the offenses listed in division (C)(1)(a) of 36355
this section. 36356

(2) Except as provided in rules adopted by the department of 36357
health in accordance with division (F) of this section and subject 36358
to division (C)(3) of this section, no home health agency shall 36359
employ a person in a position that involves providing direct care 36360
to an older adult if the person previously has been convicted of 36361
or pleaded guilty to any of the following: 36362

(a) A violation of section 2903.01, 2903.02, 2903.03, 36363
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 36364
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 36365
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 36366
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 36367
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 36368
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 36369
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 36370
2925.22, 2925.23, or 3716.11 of the Revised Code. 36371

(b) A violation of an existing or former law of this state, 36372
any other state, or the United States that is substantially 36373
equivalent to any of the offenses listed in division (C)(2)(a) of 36374
this section. 36375

(3)(a) A home health agency may employ conditionally an 36376
applicant for whom a criminal records check request is required 36377
under division (B) of this section as a person responsible for the 36378
care, custody, or control of a child until the criminal records 36379
check regarding the applicant required by this section is 36380
completed and the agency receives the results of the criminal 36381
records check. If the results of the criminal records check 36382
indicate that, pursuant to division (C)(1) of this section, the 36383
applicant does not qualify for employment, the agency shall 36384
release the applicant from employment unless the agency chooses to 36385
employ the applicant pursuant to division (F) of this section. 36386

(b)(i) A home health agency may employ conditionally an 36387
applicant for whom a criminal records check request is required 36388
under division (B) of this section in a position that involves 36389
providing direct care to an older adult or in a position that 36390
involves both responsibility for the care, custody, and control of 36391
a child and the provision of direct care to older adults prior to 36392
obtaining the results of a criminal records check regarding the 36393
individual, provided that the agency shall request a criminal 36394
records check regarding the individual in accordance with division 36395
(B)(1) of this section not later than five business days after the 36396
individual begins conditional employment. In the circumstances 36397
described in division (I)(2) of this section, a home health agency 36398
may employ conditionally in a position that involves providing 36399
direct care to an older adult an applicant who has been referred 36400
to the home health agency by an employment service that supplies 36401
full-time, part-time, or temporary staff for positions involving 36402
the direct care of older adults and for whom, pursuant to that 36403
division, a criminal records check is not required under division 36404
(B) of this section. In the circumstances described in division 36405
(I)(4) of this section, a home health agency may employ 36406
conditionally in a position that involves both responsibility for 36407

the care, custody, and control of a child and the provision of 36408
direct care to older adults an applicant who has been referred to 36409
the home health agency by an employment service that supplies 36410
full-time, part-time, or temporary staff for positions involving 36411
both responsibility for the care, custody, and control of a child 36412
and the provision of direct care to older adults and for whom, 36413
pursuant to that division, a criminal records check is not 36414
required under division (B) of this section. 36415

(ii) A home health agency that employs an individual 36416
conditionally under authority of division (C)(3)(b)(i) of this 36417
section shall terminate the individual's employment if the results 36418
of the criminal records check requested under division (B)(1) of 36419
this section or described in division (I)(2) or (4) of this 36420
section, other than the results of any request for information 36421
from the federal bureau of investigation, are not obtained within 36422
the period ending sixty days after the date the request is made. 36423
Regardless of when the results of the criminal records check are 36424
obtained, if the individual was employed conditionally in a 36425
position that involves the provision of direct care to older 36426
adults and the results indicate that the individual has been 36427
convicted of or pleaded guilty to any of the offenses listed or 36428
described in division (C)(2) of this section, or if the individual 36429
was employed conditionally in a position that involves both 36430
responsibility for the care, custody, and control of a child and 36431
the provision of direct care to older adults and the results 36432
indicate that the individual has been convicted of or pleaded 36433
guilty to any of the offenses listed or described in division 36434
(C)(1) or (2) of this section, the agency shall terminate the 36435
individual's employment unless the agency chooses to employ the 36436
individual pursuant to division (F) of this section. Termination 36437
of employment under this division shall be considered just cause 36438
for discharge for purposes of division (D)(2) of section 4141.29 36439
of the Revised Code if the individual makes any attempt to deceive 36440

the agency about the individual's criminal record. 36441

(D)(1) Each home health agency shall pay to the bureau of 36442
criminal identification and investigation the fee prescribed 36443
pursuant to division (C)(3) of section 109.572 of the Revised Code 36444
for each criminal records check conducted in accordance with that 36445
section upon the request pursuant to division (B)(1) of this 36446
section of the chief administrator of the home health agency. 36447

(2) A home health agency may charge an applicant a fee for 36448
the costs it incurs in obtaining a criminal records check under 36449
this section, unless the medical assistance program established 36450
under Chapter 5111. of the Revised Code reimburses the agency for 36451
the costs. A fee charged under division (D)(2) of this section 36452
shall not exceed the amount of fees the agency pays under division 36453
(D)(1) of this section. If a fee is charged under division (D)(2) 36454
of this section, the agency shall notify the applicant at the time 36455
of the applicant's initial application for employment of the 36456
amount of the fee and that, unless the fee is paid, the agency 36457
will not consider the applicant for employment. 36458

(E) The report of any criminal records check conducted by the 36459
bureau of criminal identification and investigation in accordance 36460
with section 109.572 of the Revised Code and pursuant to a request 36461
made under division (B)(1) of this section is not a public record 36462
for the purposes of section 149.43 of the Revised Code and shall 36463
not be made available to any person other than the following: 36464

(1) The individual who is the subject of the criminal records 36465
check or the individual's representative; 36466

(2) The home health agency requesting the criminal records 36467
check or its representative; 36468

(3) The administrator of any other facility, agency, or 36469
program that provides direct care to older adults that is owned or 36470
operated by the same entity that owns or operates the home health 36471

agency; 36472

(4) Any court, hearing officer, or other necessary individual 36473
involved in a case dealing with a denial of employment of the 36474
applicant or dealing with employment or unemployment benefits of 36475
the applicant; 36476

(5) Any person to whom the report is provided pursuant to, 36477
and in accordance with, division (I)(1), (2), (3), or (4) of this 36478
section. 36479

(F) The department of health shall adopt rules in accordance 36480
with Chapter 119. of the Revised Code to implement this section. 36481
The rules shall specify circumstances under which the home health 36482
agency may employ a person who has been convicted of or pleaded 36483
guilty to an offense listed or described in division (C)(1) of 36484
this section but who meets standards in regard to rehabilitation 36485
set by the department or employ a person who has been convicted of 36486
or pleaded guilty to an offense listed or described in division 36487
(C)(2) of this section but meets personal character standards set 36488
by the department. 36489

(G) Any person required by division (B)(1) of this section to 36490
request a criminal records check shall inform each person, at the 36491
time of initial application for employment that the person is 36492
required to provide a set of fingerprint impressions and that a 36493
criminal records check is required to be conducted and 36494
satisfactorily completed in accordance with section 109.572 of the 36495
Revised Code if the person comes under final consideration for 36496
appointment or employment as a precondition to employment for that 36497
position. 36498

(H) In a tort or other civil action for damages that is 36499
brought as the result of an injury, death, or loss to person or 36500
property caused by an individual who a home health agency employs 36501
in a position that involves providing direct care to older adults, 36502

all of the following shall apply: 36503

(1) If the agency employed the individual in good faith and 36504
reasonable reliance on the report of a criminal records check 36505
requested under this section, the agency shall not be found 36506
negligent solely because of its reliance on the report, even if 36507
the information in the report is determined later to have been 36508
incomplete or inaccurate; 36509

(2) If the agency employed the individual in good faith on a 36510
conditional basis pursuant to division (C)(3)(b) of this section, 36511
the agency shall not be found negligent solely because it employed 36512
the individual prior to receiving the report of a criminal records 36513
check requested under this section; 36514

(3) If the agency in good faith employed the individual 36515
according to the personal character standards established in rules 36516
adopted under division (F) of this section, the agency shall not 36517
be found negligent solely because the individual prior to being 36518
employed had been convicted of or pleaded guilty to an offense 36519
listed or described in division (C)(1) or (2) of this section. 36520

(I)(1) The chief administrator of a home health agency is not 36521
required to request that the superintendent of the bureau of 36522
criminal identification and investigation conduct a criminal 36523
records check of an applicant for a position that involves the 36524
provision of direct care to older adults if the applicant has been 36525
referred to the agency by an employment service that supplies 36526
full-time, part-time, or temporary staff for positions involving 36527
the direct care of older adults and both of the following apply: 36528

(a) The chief administrator receives from the employment 36529
service or the applicant a report of the results of a criminal 36530
records check regarding the applicant that has been conducted by 36531
the superintendent within the one-year period immediately 36532
preceding the applicant's referral; 36533

(b) The report of the criminal records check demonstrates 36534
that the person has not been convicted of or pleaded guilty to an 36535
offense listed or described in division (C)(2) of this section, or 36536
the report demonstrates that the person has been convicted of or 36537
pleaded guilty to one or more of those offenses, but the home 36538
health agency chooses to employ the individual pursuant to 36539
division (F) of this section. 36540

(2) The chief administrator of a home health agency is not 36541
required to request that the superintendent of the bureau of 36542
criminal identification and investigation conduct a criminal 36543
records check of an applicant for a position that involves 36544
providing direct care to older adults and may employ the applicant 36545
conditionally in a position of that nature as described in this 36546
division, if the applicant has been referred to the agency by an 36547
employment service that supplies full-time, part-time, or 36548
temporary staff for positions involving the direct care of older 36549
adults and if the chief administrator receives from the employment 36550
service or the applicant a letter from the employment service that 36551
is on the letterhead of the employment service, dated, and signed 36552
by a supervisor or another designated official of the employment 36553
service and that states that the employment service has requested 36554
the superintendent to conduct a criminal records check regarding 36555
the applicant, that the requested criminal records check will 36556
include a determination of whether the applicant has been 36557
convicted of or pleaded guilty to any offense listed or described 36558
in division (C)(2) of this section, that, as of the date set forth 36559
on the letter, the employment service had not received the results 36560
of the criminal records check, and that, when the employment 36561
service receives the results of the criminal records check, it 36562
promptly will send a copy of the results to the home health 36563
agency. If a home health agency employs an applicant conditionally 36564
in accordance with this division, the employment service, upon its 36565

receipt of the results of the criminal records check, promptly 36566
shall send a copy of the results to the home health agency, and 36567
division (C)(3)(b) of this section applies regarding the 36568
conditional employment. 36569

(3) The chief administrator of a home health agency is not 36570
required to request that the superintendent of the bureau of 36571
criminal identification and investigation conduct a criminal 36572
records check of an applicant for a position that involves both 36573
responsibility for the care, custody, and control of a child and 36574
the provision of direct care to older adults if the applicant has 36575
been referred to the agency by an employment service that supplies 36576
full-time, part-time, or temporary staff for positions involving 36577
both responsibility for the care, custody, and control of a child 36578
and the provision of direct care to older adults and both of the 36579
following apply: 36580

(a) The chief administrator receives from the employment 36581
service or applicant a report of a criminal records check of the 36582
type described in division (I)(1)(a) of this section; 36583

(b) The report of the criminal records check demonstrates 36584
that the person has not been convicted of or pleaded guilty to an 36585
offense listed or described in division (C)(1) or (2) of this 36586
section, or the report demonstrates that the person has been 36587
convicted of or pleaded guilty to one or more of those offenses, 36588
but the home health agency chooses to employ the individual 36589
pursuant to division (F) of this section. 36590

(4) The chief administrator of a home health agency is not 36591
required to request that the superintendent of the bureau of 36592
criminal identification and investigation conduct a criminal 36593
records check of an applicant for a position that involves both 36594
responsibility for the care, custody, and control of a child and 36595
the provision of direct care to older adults and may employ the 36596
applicant conditionally in a position of that nature as described 36597

in this division, if the applicant has been referred to the agency 36598
by an employment service that supplies full-time, part-time, or 36599
temporary staff for positions involving both responsibility for 36600
the care, custody, and control of a child and the direct care of 36601
older adults and if the chief administrator receives from the 36602
employment service or the applicant a letter from the employment 36603
service that is on the letterhead of the employment service, 36604
dated, and signed by a supervisor or another designated official 36605
of the employment service and that states that the employment 36606
service has requested the superintendent to conduct a criminal 36607
records check regarding the applicant, that the requested criminal 36608
records check will include a determination of whether the 36609
applicant has been convicted of or pleaded guilty to any offense 36610
listed or described in division (C)(1) or (2) of this section, 36611
that, as of the date set forth on the letter, the employment 36612
service had not received the results of the criminal records 36613
check, and that, when the employment service receives the results 36614
of the criminal records check, it promptly will send a copy of the 36615
results to the home health agency. If a home health agency employs 36616
an applicant conditionally in accordance with this division, the 36617
employment service, upon its receipt of the results of the 36618
criminal records check, promptly shall send a copy of the results 36619
to the home health agency, and division (C)(3)(b) of this section 36620
applies regarding the conditional employment. 36621

Sec. 3701.99. (A) Whoever violates section 3701.25 of the 36622
Revised Code is guilty of a minor misdemeanor on a first offense; 36623
on each subsequent offense, the person is guilty of a misdemeanor 36624
of the second degree. 36625

(B) Whoever violates division (I) of section 3701.262, 36626
division (D) of section 3701.263, or section 3701.352 or sections 36627
3701.46 to 3701.55 of the Revised Code is guilty of a minor 36628
misdemeanor on a first offense; on each subsequent offense, the 36629

person is guilty of a misdemeanor of the fourth degree. 36630

(C) Whoever violates section 3701.82 of the Revised Code is 36631
guilty of a misdemeanor of the first degree. 36632

(D) Whoever violates section 3701.81 of the Revised Code is 36633
guilty of a misdemeanor of the second degree. 36634

~~(E) Whoever violates division (G) of section 3701.88 of the 36635
Revised Code shall be fined not more than one hundred dollars. 36636
Each day the violation continues is a separate offense. 36637~~

Sec. 3702.31. (A) The quality monitoring and inspection fund 36638
is hereby created in the state treasury. The director of health 36639
shall use the fund to administer and enforce this section and 36640
sections 3702.11 to 3702.20, 3702.30, and 3702.32 of the Revised 36641
Code and rules adopted pursuant to those sections. The director 36642
shall deposit in the fund any moneys collected pursuant to this 36643
section or section 3702.32 of the Revised Code. All investment 36644
earnings of the fund shall be credited to the fund. 36645

(B) The director of health shall adopt rules pursuant to 36646
Chapter 119. of the Revised Code establishing fees for both of the 36647
following: 36648

(1) Initial and renewal license applications submitted under 36649
section 3702.30 of the Revised Code. The fees established under 36650
division (B)(1) of this section shall not exceed the actual and 36651
necessary costs of performing the activities described in division 36652
(A) of this section. 36653

(2) Inspections conducted under section 3702.15 or 3702.30 of 36654
the Revised Code. The fees established under division (B)(2) of 36655
this section shall not exceed the actual and necessary costs 36656
incurred during an inspection, including any indirect costs 36657
incurred by the department for staff, salary, or other 36658
administrative costs. The director of health shall provide to each 36659

health care facility or provider inspected pursuant to section 36660
3702.15 or 3702.30 of the Revised Code a written statement of the 36661
fee. The statement shall itemize and total the costs incurred. 36662
Within fifteen days after receiving a statement from the director, 36663
the facility or provider shall forward the total amount of the fee 36664
to the director. 36665

(3) The fees described in divisions (B)(1) and (2) of this 36666
section shall meet both of the following requirements: 36667

(a) For each service described in section 3702.11 of the 36668
Revised Code, the fee shall not exceed one thousand ~~two~~ seven 36669
hundred fifty dollars annually, except that the total fees charged 36670
to a health care provider under this section shall not exceed five 36671
thousand dollars annually. 36672

(b) The fee shall exclude any costs reimbursable by the 36673
United States health care financing administration as part of the 36674
certification process for the medicare program established under 36675
Title XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 36676
U.S.C.A. 301, as amended, and the medicaid program established 36677
under Title XIX of that act. 36678

(4) The director shall not establish a fee for any service 36679
for which a licensure or inspection fee is paid by the health care 36680
provider to a state agency for the same or similar licensure or 36681
inspection. 36682

Sec. 3702.529. (A) A person granted a nonreviewability ruling 36683
prior to April 20, 1995, may implement the activity for which the 36684
ruling was issued in accordance with the information provided to 36685
the director of health in the request for the ruling, 36686
notwithstanding the amendments to sections 3702.51 to 3702.62 of 36687
the Revised Code by Amended Substitute Senate Bill No. 50 and 36688
Amended Substitute Senate Bill No. 156, both of the 121st general 36689
assembly. A person granted a certificate of need or 36690

nonreviewability ruling prior to that date is not required to file 36691
a notice of intent under section 3702.581 of the Revised Code, as 36692
that section existed prior to the effective date of this 36693
amendment, with respect to the activity for which the certificate 36694
or ruling was issued. 36695

(B) A certificate of need is not required for any person to 36696
add a cardiac catheterization laboratory to an existing cardiac 36697
catheterization service, as described in division (R)(11) of 36698
section 3702.51 of the Revised Code, if the person, prior to ~~the~~ 36699
~~effective date of this section June 30, 1995~~, filed a notice of 36700
intent under section 3702.581 of the Revised Code, as that section 36701
existed prior to the effective date of this amendment, to do so. 36702
However, the exemption provided by this division expires six 36703
months after ~~the effective date of this section June 30, 1995~~, 36704
unless the person has taken action to implement the addition by 36705
taking the applicable action listed in divisions (A)(1) to (6) of 36706
section 3702.525 of the Revised Code and provides the director 36707
with written documentation that action has been taken. 36708

(C) The director shall issue a reviewability ruling, in 36709
accordance with the version of section 3702.528 of the Revised 36710
Code in effect immediately prior to ~~the effective date of this~~ 36711
~~section June 30, 1995~~, to any hospital that requested one prior to 36712
that date concerning a relocation of any of the following to 36713
another hospital in the same or a different metropolitan 36714
statistical area: 36715

(1) Obstetric or newborn care beds registered under section 36716
3701.07 of the Revised Code as level II or III beds; 36717

(2) Pediatric intensive care beds; 36718

(3) A health service specified in division (R)(1) of section 36719
3702.51 of the Revised Code. 36720

A certificate of need is not required to conduct such a 36721

relocation for which the director has issued a nonreviewability 36722
ruling. However, the exemption provided by this division expires 36723
six months after ~~the effective date of this section~~ June 30, 1995, 36724
unless the hospital has taken action to implement the relocation 36725
by taking the applicable action listed in divisions (A)(1) to (6) 36726
of section 3702.525 of the Revised Code and provides the director 36727
with written documentation that action has been taken. 36728

The director shall not issue a reviewability ruling requested 36729
under the previous version of section 3702.528 of the Revised Code 36730
concerning a relocation of long-term care beds. 36731

(D) A certificate of need is not required to relocate 36732
existing health services from one hospital to another, as 36733
described in division (T) of the version of section 3702.51 of the 36734
Revised Code in effect immediately prior to ~~the effective date of~~ 36735
~~this section~~ June 30, 1995, if the hospitals filed the notice of 36736
intent required by division (T)(2) of that version prior to ~~the~~ 36737
~~effective date of this amendment~~ June 30, 1995, and comply with 36738
divisions (T)(1) and (T)(3) to (6) of that version. 36739

Sec. 3702.53. (A) No person shall carry out any reviewable 36740
activity unless a certificate of need for such activity has been 36741
granted under sections 3702.51 to 3702.62 of the Revised Code or 36742
the person is exempted by division (T) of section 3702.51 or 36743
section 3702.527, 3702.528, 3702.529, 3702.5210, or 3702.62 of the 36744
Revised Code from the requirement that a certificate of need be 36745
obtained. No person shall carry out any reviewable activity if a 36746
certificate of need authorizing that activity has been withdrawn 36747
by the director of health under section 3702.52 or 3702.526 of the 36748
Revised Code. No person shall carry out a reviewable activity if 36749
the certificate of need authorizing that activity is void pursuant 36750
to section 3702.524 of the Revised Code or has expired pursuant to 36751
section 3702.525 of the Revised Code. 36752

(B) No person shall separate portions of any proposal for any reviewable activity to evade the requirements of sections 3702.51 to 3702.62 of the Revised Code.

(C) No person granted a certificate of need shall carry out the reviewable activity authorized by the certificate of need other than in substantial accordance with the approved application for the certificate of need.

~~(D) No person shall fail to file a notice required by section 3702.581 of the Revised Code.~~

Sec. 3702.532. When the director of health determines that a person has violated section 3702.53 of the Revised Code, the director shall send a notice to the person by certified mail, return receipt requested, specifying the activity constituting the violation and the penalties imposed under section 3702.54, 3702.541, or 3702.542, ~~or 3702.543~~ of the Revised Code.

Sec. 3702.54. Except as provided in sections 3702.541, and 3702.542, ~~and~~ former section 3702.543 of the Revised Code, divisions (A) and (B) of this section apply when the director of health determines that a person has violated section 3702.53 of the Revised Code.

(A) The director shall impose a civil penalty on the person in an amount equal to the greatest of the following:

(1) Three thousand dollars;

(2) Five per cent of the operating cost of the activity that constitutes the violation during the period of time it was conducted in violation of section 3702.53 of the Revised Code;

(3) Two per cent of the total capital cost associated with implementation of the activity.

In no event, however, shall the penalty exceed two hundred

fifty thousand dollars. 36782

(B)(1) Notwithstanding section 3702.52 of the Revised Code, 36783
the director shall refuse to accept for review any application for 36784
a certificate of need filed by or on behalf of the person, or any 36785
successor to the person or entity related to the person, for a 36786
period of not less than one year and not more than three years 36787
after ~~he~~ the director mails the notice of ~~his~~ the director's 36788
determination under section 3702.532 of the Revised Code or, if 36789
~~his~~ the determination is appealed under section 3702.60 of the 36790
Revised Code, the issuance of the order upholding ~~his~~ the 36791
determination that is not subject to further appeal. In 36792
determining the length of time during which ~~he will not accept~~ 36793
applications will not be accepted, the director may consider any 36794
of the following: 36795

(a) The nature and magnitude of the violation; 36796

(b) The ability of the person to have averted the violation; 36797

(c) Whether the person disclosed the violation to the 36798
director before the director commenced his investigation; 36799

(d) The person's history of compliance with sections 3702.51 36800
to 3702.62 and the rules adopted under section 3702.57 of the 36801
Revised Code; 36802

(e) Any community hardship that may result from refusing to 36803
accept future applications from the person. 36804

(2) Notwithstanding the one-year minimum imposed by division 36805
(B)(1) of this section, the director may establish a period of 36806
less than one year during which ~~he~~ the director will refuse to 36807
accept certificate of need applications if, after reviewing all 36808
information available to ~~him~~ the director, ~~he~~ the director 36809
determines and expressly indicates in the notice mailed under 36810
section 3702.532 of the Revised Code that refusing to accept 36811
applications for a longer period would result in hardship to the 36812

community in which the person provides health services. The 36813
director's finding of community hardship shall not affect the 36814
granting or denial of any future certificate of need application 36815
filed by the person. 36816

Sec. 3702.544. Each person required by section 3702.54, 36817
3702.541, or 3702.542, or former section 3702.543 of the Revised 36818
Code to pay a civil penalty shall do so not later than sixty days 36819
after receiving the notice mailed under section 3702.532 of the 36820
Revised Code or, if the person appeals under section 3702.60 of 36821
the Revised Code the director of health's determination that a 36822
violation has occurred, not later than sixty days after the 36823
issuance of an order upholding ~~his~~ the director's determination 36824
that is not subject to further appeal. The civil penalties shall 36825
be paid to the director. The director shall deposit them into the 36826
certificate of need fund created by section 3702.52 of the Revised 36827
Code. 36828

Sec. 3702.55. Except as provided in section 3702.542 of the 36829
Revised Code, a person that the director of health determines has 36830
violated section 3702.53 of the Revised Code shall cease 36831
conducting the activity that constitutes the violation or 36832
utilizing the equipment or facility resulting from the violation 36833
not later than thirty days after the person receives the notice 36834
mailed under section 3702.532 of the Revised Code or, if the 36835
person appeals the director's determination under section 3702.60 36836
of the Revised Code, thirty days after the person receives an 36837
order upholding the director's determination that is not subject 36838
to further appeal. A person that applies for a certificate of need 36839
as described in section 3702.542 of the Revised Code shall cease 36840
conducting the activity or using the equipment or facility in 36841
accordance with the timetable established by the director of 36842
health under that section. 36843

If any person determined to have violated section 3702.53 of the Revised Code fails to cease conducting an activity or using equipment or a facility as required by this section or a timetable established under section 3702.542 of the Revised Code, or if the person continues to seek payment or reimbursement for services rendered or costs incurred in conducting the activity as prohibited by section 3702.56 of the Revised Code, in addition to the penalties imposed under section 3702.54, 3702.541, or 3702.542~~7~~, or former section 3702.543 of the Revised Code:

(A) The director of health may refuse to include any beds involved in the activity in the bed capacity of a hospital for purposes of registration under section 3701.07 of the Revised Code;

(B) The director of health may refuse to license, or may revoke a license or reduce bed capacity previously granted to, a maternity boardinghouse or lying-in hospital under section 3711.02 of the Revised Code; a hospice care program under section 3712.04 of the Revised Code; a nursing home, rest home, or home for the aging under section 3721.02 of the Revised Code; or any beds within any of those facilities that are involved in the activity;

(C) A political subdivision certified under section 3721.09 of the Revised Code may refuse to license, or may revoke a license or reduce bed capacity previously granted to, a nursing home, rest home, or home for the aging, or any beds within any of those facilities that are involved in the activity;

(D) The director of mental health may refuse to license under section 5119.20 of the Revised Code, or may revoke a license or reduce bed capacity previously granted to, a hospital receiving mentally ill persons or beds within such a hospital that are involved in the activity;

(E) The department of job and family services may refuse to

enter into a provider agreement that includes a facility, beds, or 36875
services that result from the activity. 36876

Sec. 3702.60. (A) Any affected person may appeal a 36877
reviewability ruling issued on or after April 20, 1995, to the 36878
director of health in accordance with Chapter 119. of the Revised 36879
Code, and the director shall provide an adjudication hearing in 36880
accordance with that chapter. An affected person may appeal the 36881
director's ruling in the adjudication hearing to the tenth 36882
district court of appeals. 36883

(B) The certificate of need applicant or another affected 36884
person may appeal to the director in accordance with Chapter 119. 36885
of the Revised Code a decision issued by the director on or after 36886
April 20, 1995, to grant or deny a certificate of need application 36887
for which an adjudication hearing was not conducted under section 36888
3702.52 of the Revised Code, and the director shall provide an 36889
adjudication hearing in accordance with that chapter. The 36890
certificate of need applicant or an affected person that was a 36891
party to and participated in an adjudication hearing conducted 36892
under this division or section 3702.52 of the Revised Code may 36893
appeal to the tenth district court of appeals the decision issued 36894
by the director following the adjudication hearing. No person may 36895
appeal to the director or a court the director's granting of a 36896
certificate of need prior to ~~the effective date of this amendment~~ 36897
June 30, 1995, under the version of section 3702.52 of the Revised 36898
Code in effect immediately prior to that date due to failure to 36899
submit timely written objections, no person may appeal to the 36900
director or a court the director's granting of a certificate of 36901
need under division (C)(1) or (2) of section 3702.52 of the 36902
Revised Code. 36903

(C) The certificate of need holder may appeal to the director 36904
in accordance with Chapter 119. of the Revised Code a decision 36905

issued by the director under section 3702.52 or 3702.526 of the Revised Code on or after April 20, 1995, to withdraw a certificate of need, and the director shall provide an adjudication hearing in accordance with that chapter. The person may appeal the director's ruling in the adjudication hearing to the tenth district court of appeals.

(D) Any person determined by the director to have violated section 3702.53 of the Revised Code may appeal that determination, or the penalties imposed under section 3702.54, 3702.541, or 3702.542~~7~~ or former section 3702.543 of the Revised Code, to the director in accordance with Chapter 119. of the Revised Code, and the director shall provide an adjudication hearing in accordance with that chapter. The person may appeal the director's ruling in the adjudication hearing to the tenth district court of appeals.

(E) Each person appealing under this section to the director shall file with the director, not later than thirty days after the decision, ruling, or determination of the director was mailed, a notice of appeal designating the decision, ruling, or determination appealed from.

(F) Each person appealing under this section to the tenth district court of appeals shall file with the court, not later than thirty days after the date the director's adjudication order was mailed, a notice of appeal designating the order appealed from. The appellant also shall file notice with the director not later than thirty days after the date the order was mailed.

(1) Not later than thirty days after receipt of the notice of appeal, the director shall prepare and certify to the court the complete record of the proceedings out of which the appeal arises. The expense of preparing and transcribing the record shall be taxed as part of the costs of the appeal. In the event that the record or a part thereof is not certified within the time prescribed by this division, the appellant may apply to the court

for an order that the record be certified. 36938

(2) In hearing the appeal, the court shall consider only the 36939
evidence contained in the record certified to it by the director. 36940
The court may remand the matter to the director for the admission 36941
of additional evidence on a finding that the additional evidence 36942
is material, newly discovered, and could not with reasonable 36943
diligence have been ascertained before the hearing before the 36944
director. Except as otherwise provided by statute, the court shall 36945
give the hearing on the appeal preference over all other civil 36946
matters, irrespective of the position of the proceedings on the 36947
calendar of the court. 36948

(3) The court shall affirm the director's order if it finds, 36949
upon consideration of the entire record and any additional 36950
evidence admitted under division (F)(2) of this section, that the 36951
order is supported by reliable, probative, and substantial 36952
evidence and is in accordance with law. In the absence of such a 36953
finding, it shall reverse, vacate, or modify the order. 36954

(4) If the court determines that the director committed 36955
material procedural error, the court shall remand the matter to 36956
the director for further consideration or action. 36957

(G) The court may award reasonable attorney's fees against 36958
the appellant if it determines that the appeal was frivolous. 36959
Sections 119.092, 119.093, and 2335.39 of the Revised Code do not 36960
apply to adjudication hearings under this section or section 36961
3702.52 of the Revised Code and judicial appeals under this 36962
section. 36963

(H) No person may intervene in an appeal brought under this 36964
section. 36965

Sec. 3702.61. In addition to the sanctions imposed under 36966
sections 3702.54, 3702.541, 3702.542, ~~3702.543~~, and 3702.55 and 36967

former section 3702.543 of the Revised Code, if any person 36968
violates section 3702.53 of the Revised Code, the attorney general 36969
may commence necessary legal proceedings in the court of common 36970
pleas of Franklin county to enjoin the person from such violation 36971
until the requirements of sections 3702.51 to 3702.62 of the 36972
Revised Code have been satisfied. At the request of the director 36973
of health, the attorney general shall commence any necessary 36974
proceedings. The court has jurisdiction to grant and, on a showing 36975
of a violation, shall grant appropriate injunctive relief. 36976

Sec. 3702.63. As specified in former Section 11 of Am. Sub. 36977
S.B. 50 of the 121st general assembly, as amended by Am. Sub. H.B. 36978
405 of the 124th general assembly, all of the following apply: 36979

(A) The removal of former divisions (E) and (F) of section 36980
3702.52 of the Revised Code by Sections 1 and 2 of Am. Sub. S.B. 36981
50 of the 121st general assembly does not release the holders of 36982
certificates of need issued under those divisions from complying 36983
with any conditions on which the granting of the certificates of 36984
need was based, including the requirement of former division 36985
(E)(6) of that section that the holders not enter into provider 36986
agreements under Chapter 5111. of the Revised Code and Title XIX 36987
of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, 36988
as amended, for at least ten years following initial licensure of 36989
the long-term care facilities for which the certificates were 36990
granted. 36991

(B) The repeal of section 3702.55 of the Revised Code by 36992
Section 2 of Am. Sub. S.B. 50 of the 121st general assembly does 36993
not release the holders of certificates of need issued under that 36994
section from complying with any conditions on which the granting 36995
of the certificates of need was based, other than the requirement 36996
of division (A)(6) of that section that the holders not seek 36997
certification under Title XVIII of the "Social Security Act" for 36998

beds recategorized under the certificates. That repeal also does 36999
not eliminate the requirement that the director of health revoke 37000
the licensure of the beds under Chapter 3721. of the Revised Code 37001
if a person to which their ownership is transferred fails, as 37002
required by division (A)(6) of the repealed section, to file 37003
within ten days after the transfer a sworn statement not to seek 37004
certification under Title XIX of the "Social Security Act" for 37005
beds recategorized under the certificates of need. 37006

(C) The repeal of section 3702.56 of the Revised Code by 37007
Section 2 of Am. Sub. S.B. 50 of the 121st general assembly does 37008
not release the holders of certificates of need issued under that 37009
section from complying with any conditions on which the granting 37010
of the certificates of need was based. 37011

Sec. 3702.68. (A) Notwithstanding sections 3702.51 to 3702.62 37012
of the Revised Code, this section applies to the review of 37013
certificate of need applications during the period beginning July 37014
1, 1993, and ending June 30, ~~2003~~ 2005. 37015

(B)(1) Except as provided in division (B)(2) of this section, 37016
the director of health shall neither grant nor deny any 37017
application for a certificate of need submitted prior to July 1, 37018
1993, if the application was for any of the following and the 37019
director had not issued a written decision concerning the 37020
application prior to that date: 37021

(a) Approval of beds in a new health care facility or an 37022
increase of beds in an existing health care facility, if the beds 37023
are proposed to be licensed as nursing home beds under Chapter 37024
3721. of the Revised Code; 37025

(b) Approval of beds in a new county home or new county 37026
nursing home as defined in section 5155.31 of the Revised Code, or 37027
an increase of beds in an existing county home or existing county 37028
nursing home, if the beds are proposed to be certified as skilled 37029

nursing facility beds under Title XVIII or nursing facility beds 37030
under Title XIX of the "Social Security Act," 49 Stat. 620 (1935), 37031
42 U.S.C.A. 301, as amended; 37032

(c) Recategorization of hospital beds as described in section 37033
3702.522 of the Revised Code, an increase of hospital beds 37034
registered pursuant to section 3701.07 of the Revised Code as 37035
long-term care beds or skilled nursing facility beds, or a 37036
recategorization of hospital beds that would result in an increase 37037
of beds registered pursuant to that section as long-term care beds 37038
or skilled nursing facility beds. 37039

On July 1, 1993, the director shall return each such 37040
application to the applicant and, notwithstanding section 3702.52 37041
of the Revised Code regarding the uses of the certificate of need 37042
fund, shall refund to the applicant the application fee paid under 37043
that section. Applications returned under division (B)(1) of this 37044
section may be resubmitted in accordance with section 3702.52 of 37045
the Revised Code no sooner than July 1, ~~2003~~ 2005. 37046

(2) The director shall continue to review and shall issue a 37047
decision regarding any application submitted prior to July 1, 37048
1993, to increase beds for either of the purposes described in 37049
division (B)(1)(a) or (b) of this section if the proposed increase 37050
in beds is attributable solely to a replacement or relocation of 37051
existing beds within the same county. The director shall authorize 37052
under such an application no additional beds beyond those being 37053
replaced or relocated. 37054

(C)(1) Except as provided in division (C)(2) of this section, 37055
the director, during the period beginning July 1, 1993, and ending 37056
June 30, ~~2003~~ 2005, shall not accept for review under section 37057
3702.52 of the Revised Code any application for a certificate of 37058
need for any of the purposes described in divisions (B)(1)(a) to 37059
(c) of this section. 37060

(2) The director shall accept for review any application for 37061
either of the purposes described in division (B)(1)(a) or (b) of 37062
this section if the proposed increase in beds is attributable 37063
solely to a replacement or relocation of existing beds within the 37064
same county. The director shall authorize under such an 37065
application no additional beds beyond those being replaced or 37066
relocated. The director also shall accept for review any 37067
application that seeks certificate of need approval for existing 37068
beds located in an infirmary that is operated exclusively by a 37069
religious order, provides care exclusively to members of religious 37070
orders who take vows of celibacy and live by virtue of their vows 37071
within the orders as if related, and was providing care 37072
exclusively to members of such a religious order on January 1, 37073
1994. 37074

(D) The director shall issue a decision regarding any case 37075
remanded by a court as the result of a decision issued by the 37076
director prior to July 1, 1993, to grant, deny, or withdraw a 37077
certificate of need for any of the purposes described in divisions 37078
(B)(1)(a) to (c) of this section. 37079

(E) The director shall not project the need for beds listed 37080
in division (B)(1) of this section for the period beginning July 37081
1, 1993, and ending June 30, ~~2003~~ 2005. 37082

This section is an interim section effective until July 1, 37083
~~2003~~ 2005. 37084

Sec. 3702.74. (A) A primary care physician who has signed a 37085
letter of intent under section 3702.73 of the Revised Code, the 37086
director of health, and the Ohio board of regents may enter into a 37087
contract for the physician's participation in the physician loan 37088
repayment program. A lending institution may also be a party to 37089
the contract. 37090

(B) The contract shall include all of the following 37091
obligations: 37092

(1) The primary care physician agrees to provide primary care 37093
services in the health resource shortage area identified in the 37094
letter of intent for at least two years or one year per twenty 37095
thousand dollars of repayment agreed to under division (B)(3) of 37096
this section, whichever is greater; 37097

(2) When providing primary care services in the health 37098
resource shortage area, the primary care physician agrees to do 37099
all of the following: 37100

(a) Provide primary care services for a minimum of forty 37101
hours per week; 37102

(b) Provide primary care services without regard to a 37103
patient's ability to pay; 37104

(c) Meet the conditions prescribed by the "Social Security 37105
Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended, and the 37106
department of job and family services for participation in the 37107
medical assistance program established under Chapter 5111. of the 37108
Revised Code and enter into a contract with the department to 37109
provide primary care services to recipients of the medical 37110
assistance program; 37111

(d) Meet the conditions established by the department of job 37112
and family services for participation in the disability ~~assistance~~ 37113
medical assistance program established under Chapter 5115. of the 37114
Revised Code and enter into a contract with the department to 37115
provide primary care services to recipients of disability medical 37116
assistance. 37117

(3) The Ohio board of regents agrees, as provided in section 37118
3702.75 of the Revised Code, to repay, so long as the primary care 37119
physician performs the service obligation agreed to under division 37120

(B)(1) of this section, all or part of the principal and interest 37121
of a government or other educational loan taken by the primary 37122
care physician for expenses described in section 3702.75 of the 37123
Revised Code; 37124

(4) The primary care physician agrees to pay the board the 37125
following as damages if the physician fails to complete the 37126
service obligation agreed to under division (B)(1) of this 37127
section: 37128

(a) If the failure occurs during the first two years of the 37129
service obligation, three times the total amount the board has 37130
agreed to repay under division (B)(3) of this section; 37131

(b) If the failure occurs after the first two years of the 37132
service obligation, three times the amount the board is still 37133
obligated to repay under division (B)(3) of this section. 37134

(C) The contract may include any other terms agreed upon by 37135
the parties, including an assignment to the Ohio board of regents 37136
of the physician's duty to pay the principal and interest of a 37137
government or other educational loan taken by the physician for 37138
expenses described in section 3702.75 of the Revised Code. If the 37139
board assumes the physician's duty to pay a loan, the contract 37140
shall set forth the total amount of principal and interest to be 37141
paid, an amortization schedule, and the amount of each payment to 37142
be made under the schedule. 37143

Sec. 3705.01. As used in this chapter: 37144

(A) "Live birth" means the complete expulsion or extraction 37145
from its mother of a product of human conception that after such 37146
expulsion or extraction breathes or shows any other evidence of 37147
life such as beating of the heart, pulsation of the umbilical 37148
cord, or definite movement of voluntary muscles, whether or not 37149
the umbilical cord has been cut or the placenta is attached. 37150

(B)(1) "Fetal death" means death prior to the complete	37151
expulsion or extraction from its mother of a product of human	37152
conception of at least twenty weeks of gestation, which after such	37153
expulsion or extraction does not breathe or show any other	37154
evidence of life such as beating of the heart, pulsation of the	37155
umbilical cord, or definite movement of voluntary muscles.	37156
<u>(2) "Stillborn" means that an infant suffered a fetal death.</u>	37157
(C) "Dead body" means a human body or part of a human body	37158
from the condition of which it reasonably may be concluded that	37159
death recently occurred.	37160
(D) "Physician" means a person licensed pursuant to Chapter	37161
4731. of the Revised Code to practice medicine or surgery or	37162
osteopathic medicine and surgery.	37163
(E) "Attending physician" means the physician in charge of	37164
the patient's care for the illness or condition that resulted in	37165
death.	37166
(F) "Institution" means any establishment, public or private,	37167
that provides medical, surgical, or diagnostic care or treatment,	37168
or domiciliary care, to two or more unrelated individuals, or to	37169
persons committed by law.	37170
(G) "Funeral director" has the meaning given in section	37171
4717.01 of the Revised Code.	37172
(H) "State registrar" means the head of the office of vital	37173
statistics in the department of health.	37174
(I) "Medical certification" means completion of the medical	37175
certification portion of the certificate of death or fetal death	37176
as to the cause of death or fetal death.	37177
(J) "Final disposition" means the interment, cremation,	37178
removal from the state, donation, or other authorized disposition	37179
of a dead body or a fetal death.	37180

(K) "Interment" means the final disposition of the remains of a dead body by burial or entombment. 37181
37182

(L) "Cremation" means the reduction to ashes of a dead body. 37183

(M) "Donation" means gift of a dead body to a research institution or medical school. 37184
37185

(N) "System of vital statistics" means the registration, collection, preservation, amendment, and certification of vital records, the collection of other reports required by this chapter, and activities related thereto. 37186
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(O) "Vital records" means certificates or reports of birth, death, fetal death, marriage, divorce, dissolution of marriage, annulment, and data related thereto and other documents maintained as required by statute. 37190
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(P) "File" means the presentation of vital records for registration by the office of vital statistics. 37194
37195

(Q) "Registration" means the acceptance by the office of vital statistics and the incorporation of vital records into its official records. 37196
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37198

(R) "Birth record" means a birth certificate that has been registered with the office of vital statistics; or, if registered prior to the effective date of this section, with the division of vital statistics; or, if registered prior to the establishment of the division of vital statistics, with the department of health or a local registrar. 37199
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(S) "Certification of birth" means a document issued by the director of health or state registrar or a local registrar under division (B) of section 3705.23 of the Revised Code. 37205
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Sec. 3705.23. (A)(1) Except as otherwise provided in this section, the director of health, the state registrar, or a local 37208
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registrar, on receipt of a signed application and the fee 37210
specified in section 3705.24 of the Revised Code, shall issue a 37211
certified copy of a vital record, or of a part of a vital record, 37212
in the director's or registrar's custody to any applicant, unless 37213
the vital record has ceased to be a public record pursuant to 37214
section 3705.09, 3705.11, 3705.12, or 3705.15 of the Revised Code. 37215
The certified copy shall show the date the vital record was 37216
registered by the local registrar. 37217

(2) A certified copy of a vital record may be made by a 37218
mechanical, electronic, or other reproduction process. It shall be 37219
certified as a true copy by the director, state registrar, or 37220
local registrar who has custody of the record and shall include 37221
the date of issuance, the name of the issuing officer, the 37222
signature of the officer or an authorized facsimile of the 37223
signature, and the seal of the issuing office. 37224

(3) A certified copy of a vital record or of any part of a 37225
vital record, issued in accordance with this section, shall be 37226
considered for all purposes the same as the original and shall be 37227
prima-facie evidence of the facts stated in it in all courts and 37228
places. 37229

(4)(a) Information contained in the "information for medical 37230
and health use only" section of a birth record shall not be 37231
included as part of a certified copy of the birth record unless 37232
the information specifically is requested by the individual to 37233
whose birth the record attests, either of the individual's parents 37234
or the individual's guardian, a lineal descendant, or an official 37235
of the federal or state government or of a political subdivision 37236
of the state charged by law with detecting or prosecuting crime. 37237

(b) Except as provided in division (A)(4)(a) of this section, 37238
neither the office of vital statistics nor a local registrar shall 37239
disclose information contained in the "information for medical and 37240
health use only" section of a birth record unless a court, for 37241

good cause shown, orders disclosure of the information or the 37242
state registrar specifically authorizes release of the information 37243
for statistical or research purposes under conditions the state 37244
registrar, subject to the approval of the director of health, 37245
shall establish by rule. 37246

(B)(1) Unless the applicant specifically requests a certified 37247
copy, the director, the state registrar, or a local registrar, on 37248
receipt of a signed application for a birth record and the fee 37249
specified in section 3705.24 of the Revised Code, may issue a 37250
certification of birth, and the certification of birth shall 37251
contain at least the name, sex, date of birth, registration date, 37252
and place of birth of the person to whose birth the record attests 37253
and shall attest that the person's birth has been registered. A 37254
certification of birth shall be prima-facie evidence of the facts 37255
stated in it in all courts and places. 37256

(2) The director or the state registrar, on the receipt of a 37257
signed application for an heirloom certification of birth and the 37258
fee specified in section 3705.24 of the Revised Code, may issue an 37259
heirloom certification of birth. The director shall prescribe by 37260
rule guidelines for the form of an heirloom certification of 37261
birth, and the guidelines shall require the heirloom certification 37262
of birth to contain at least the name, sex, date of birth, 37263
registration date, and place of birth of the person to whose birth 37264
the record attests and to attest that the person's birth has been 37265
registered. An heirloom certification of birth shall be 37266
prima-facie evidence of the facts stated in it in all courts and 37267
places. 37268

(3) The director or the state registrar, on the receipt of an 37269
application signed by either parent, shall issue a certificate 37270
recognizing the delivery of a stillborn infant. The director shall 37271
prescribe guidelines by rule for the form of the certificate. The 37272
guidelines shall require that the certificate contain at least the 37273

name, sex, date of delivery, and place of delivery. The director 37274
or the state registrar shall charge no fee for the certificate. A 37275
certificate recognizing the delivery of a stillborn infant is not 37276
proof of a live birth for purposes of federal, state, and local 37277
taxes. 37278

(C) On evidence that a birth certificate was registered 37279
through misrepresentation or fraud, the state registrar may 37280
withhold the issuance of a certified copy of the birth record or a 37281
certification of birth until a court makes a determination that no 37282
misrepresentation or fraud occurred. 37283

~~(D) Except as provided in division (A)(4)(b) of this section,~~ 37284
~~the state registrar and a local registrar, on request, shall~~ 37285
~~provide uncertified copies of vital records in accordance with~~ 37286
~~section 149.43 of the Revised Code.~~ 37287

Sec. 3705.24. ~~(A) Except as otherwise provided in this~~ 37288
~~division or division (C) of this section, the fee for a certified~~ 37289
~~copy of a vital record or for a certification of birth shall be~~ 37290
~~seven dollars plus any fee required by section 3109.14 of the~~ 37291
~~Revised Code. Except as provided in section 3705.241 of the~~ 37292
~~Revised Code, the fee for a certified copy of a vital record or~~ 37293
~~for a certification of birth issued by the office of vital~~ 37294
~~statistics shall be an amount prescribed by the public health~~ 37295
~~council plus any fee required by section 3109.14 of the Revised~~ 37296
~~Code. The fee for a certified copy of a vital record or for a~~ 37297
~~certification of birth issued by a health district shall be an~~ 37298
~~amount prescribed in accordance with section 3709.09 of the~~ 37299
~~Revised Code plus any fee required by section 3109.14 of the~~ 37300
~~Revised Code. No certified copy of a vital record or certification~~ 37301
~~of birth shall be issued without payment of the fee unless~~ 37302
~~otherwise specified by statute.~~ 37303

~~For a special search of the files and records to determine a~~ 37304

~~date or place contained in a record on file, the office of vital 37305
statistics shall charge a fee of three dollars for each hour or 37306
fractional part of an hour required for the search. 37307~~

(B)(1) The public health council shall, in accordance with 37308
section 111.15 of the Revised Code, adopt rules prescribing fees 37309
for the following services provided by the state office of vital 37310
statistics: 37311

(a) Except as provided in division (A)(4) of this section: 37312

(i) A certified copy of a vital record or a certification of 37313
birth; 37314

(ii) A search by the office of vital statistics of its files 37315
and records pursuant to a request for information, regardless of 37316
whether a copy of a record is provided; 37317

(iii) A copy of a record provided pursuant to a request; 37318

(b) Replacement of a birth certificate following an adoption, 37319
legitimation, paternity determination or acknowledgement, or court 37320
order; 37321

(c) Filing of a delayed registration of a vital record; 37322

(d) Amendment of a vital record that is requested later than 37323
one year after the filing date of the vital record; 37324

(e) Any other documents or services for which the public 37325
health council considers the charging of a fee appropriate. 37326

(2) Fees prescribed under division (A)(1)(a) of this section 37327
shall not be less than seven dollars. 37328

(3) Fees prescribed under division (A)(1) of this section 37329
shall be collected in addition to any fee required by section 37330
3109.14 of the Revised Code. 37331

(4) Fees prescribed under division (A) of this section shall 37332
not apply to certifications issued under division (H) of this 37333

section or copies provided under section 3705.241 of the Revised Code. 37334
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(B) In addition to the fees prescribed under division (A) of this section or section 3709.09 of the Revised Code, the office of vital statistics or the board of health of a city or general health district shall charge a five-dollar fee for each certified copy of a vital record and each certification of birth. This fee shall be deposited in the general operations fund created under section 3701.83 of the Revised Code and be used solely toward the modernization and automation of the system of vital records in this state. A board of health shall forward all fees collected under this division to the department of health not later than thirty days after the end of each calendar quarter. 37336
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(C) Except as otherwise provided in division ~~(G)~~(H) of this section, and except as provided in section 3705.241 of the Revised Code, fees collected by the director of health under sections 3705.01 to 3705.29 of the Revised Code shall be paid into the state treasury to the credit of the general operations fund created by section 3701.83 of the Revised Code. ~~Money~~ Except as provided in division (B) of this section, money generated by the fees shall be used only for administration and enforcement of this chapter and the rules adopted under it. Amounts submitted to the department of health for copies of vital records or services in excess of the fees imposed by this section shall be dealt with as follows:

(1) An overpayment of two dollars or less shall be retained by the department and deposited in the state treasury to the credit of the general operations fund created by section 3701.83 of the Revised Code.

(2) An overpayment in excess of two dollars shall be returned to the person who made the overpayment.

~~(C)~~(D) If a local registrar is a salaried employee of a city 37365
or a general health district, any fees the local registrar 37366
receives pursuant to section 3705.23 of the Revised Code shall be 37367
paid into the general fund of the city or the health fund of the 37368
general health district. 37369

Each local registrar of vital statistics, or each health 37370
district where the local registrar is a salaried employee of the 37371
district, shall be entitled to a fee for each birth, fetal death, 37372
death, or military service certificate properly and completely 37373
made out and registered with the local registrar or district and 37374
correctly copied and forwarded to the office of vital statistics 37375
in accordance with the population of the primary registration 37376
district at the last federal census. The fee for each birth, fetal 37377
death, death, or military service certificate shall be: 37378

(1) In primary registration districts of over two hundred 37379
fifty thousand, twenty cents; 37380

(2) In primary registration districts of over one hundred 37381
twenty-five thousand and less than two hundred fifty thousand, 37382
sixty cents; 37383

(3) In primary registration districts of over fifty thousand 37384
and less than one hundred twenty-five thousand, eighty cents; 37385

(4) In primary registration districts of less than fifty 37386
thousand, one dollar. 37387

~~(D)~~(E) The director of health shall annually certify to the 37388
county treasurers of the several counties the number of birth, 37389
fetal death, death, and military service certificates registered 37390
from their respective counties with the names of the local 37391
registrars and the amounts due each registrar and health district 37392
at the rates fixed in this section. Such amounts shall be paid by 37393
the treasurer of the county in which the registration districts 37394
are located. No fees shall be charged or collected by registrars 37395

except as provided by this chapter and section 3109.14 of the Revised Code. 37396
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~~(E)~~(F) A probate judge shall be paid a fee of fifteen cents 37398
for each certified abstract of marriage prepared and forwarded by 37399
the probate judge to the department of health pursuant to section 37400
3705.21 of the Revised Code. The fee shall be in addition to the 37401
fee paid for a marriage license and shall be paid by the 37402
applicants for the license. 37403

~~(F)~~(G) The clerk of a court of common pleas shall be paid a 37404
fee of one dollar for each certificate of divorce, dissolution, 37405
and annulment of marriage prepared and forwarded by the clerk to 37406
the department pursuant to section 3705.21 of the Revised Code. 37407
The fee for the certified abstract of divorce, dissolution, or 37408
annulment of marriage shall be added to the court costs allowed in 37409
these cases. 37410

~~(G)~~(H) The fee for an heirloom certification of birth issued 37411
pursuant to division (B)(2) of section 3705.23 of the Revised Code 37412
shall be an amount prescribed by rule by the director of health 37413
plus any fee required by section 3109.14 of the Revised Code. In 37414
setting the amount of the fee, the director shall establish a 37415
surcharge in addition to an amount necessary to offset the expense 37416
of processing heirloom certifications of birth. The fee prescribed 37417
by the director of health pursuant to this division shall be 37418
deposited into the state treasury to the credit of the heirloom 37419
certification of birth fund which is hereby created. Money 37420
credited to the fund shall be used by the office of vital 37421
statistics to offset the expense of processing heirloom 37422
certifications of birth. However, the money collected for the 37423
surcharge, subject to the approval of the controlling board, shall 37424
be used for the purposes specified by the family and children 37425
first council pursuant to section 121.37 of the Revised Code. 37426

Sec. 3709.09. (A) The board of health of a city or general health district may, by rule, establish a uniform system of fees to pay the costs of any services provided by the board. ~~Fees~~

The fee for issuance of a certified copy of a vital record or a certification of birth shall not be less than the fee prescribed for the same service under division (A)(1) of section 3705.24 of the Revised Code and shall include the fees required by division (B) of section 3705.24 and section 3109.14 of the Revised Code.

Fees for services provided by the board for purposes specified in sections 3701.344, 3711.05, 3730.03, 3733.04, 3733.25, and 3749.04 of the Revised Code shall be established in accordance with rules adopted under division (B) of this section. The district advisory council, in the case of a general health district, and the legislative authority of the city, in the case of a city health district, may disapprove any fee established by the board of health under this division, and any such fee, as disapproved, shall not be charged by the board of health.

(B) The public health council shall adopt rules under section 111.15 of the Revised Code that establish fee categories and uniform methodologies for use in calculating the costs of services provided for purposes specified in sections 3701.344, 3711.05, 3730.03, 3733.04, 3733.25, and 3749.04 of the Revised Code. In adopting the rules, the public health council shall consider recommendations it receives from advisory boards established either by statute or the director of health for entities subject to the fees.

(C) At least thirty days prior to establishing a fee for a service provided by the board for a purpose specified in section 3701.344, 3711.05, 3730.03, 3733.04, 3733.25, or 3749.04 of the Revised Code, a board of health shall notify any entity that would be affected by the proposed fee of the amount of the proposed fee.

Sec. 3710.05. (A) Except as otherwise provided in this 37458
chapter, no person shall engage in any asbestos hazard abatement 37459
activities in this state unless licensed or certified pursuant to 37460
this chapter. 37461

(B) To apply for licensure as an asbestos abatement 37462
contractor or certification as an asbestos hazard abatement 37463
specialist, an asbestos hazard evaluation specialist, an asbestos 37464
hazard abatement project designer, or an asbestos hazard abatement 37465
air-monitoring technician, a person shall do all of the following: 37466

(1) Submit a completed application to the department of 37467
health, on a form provided by the department; 37468

(2) Pay the requisite fee as provided in division (D) of this 37469
section; 37470

(3) Submit any other information the public health council by 37471
rule requires. 37472

(C) The application form for a business entity or public 37473
entity applying for an asbestos hazard abatement contractor's 37474
license shall include all of the following: 37475

(1) A description of the protective clothing and respirators 37476
that the public entity will use to comply with rules adopted by 37477
the public health council and that the business entity will use to 37478
comply with requirements of the United States occupational safety 37479
and health administration; 37480

(2) A description of procedures the business entity or public 37481
entity will use for the selection, utilization, handling, removal, 37482
and disposal of clothing to prevent contamination or 37483
recontamination of the environment and to protect the public 37484
health from the hazards associated with exposure to asbestos; 37485

(3) The name and address of each asbestos disposal site that 37486
the business entity or public entity might use during the year; 37487

(4) A description of the site decontamination procedures that the business entity or public entity will use;	37488 37489
(5) A description of the asbestos hazard abatement procedures that the business entity or public entity will use;	37490 37491
(6) A description of the procedures that the business entity or public entity will use for handling waste containing asbestos;	37492 37493
(7) A description of the air-monitoring procedures that the business entity or public entity will use to prevent contamination or recontamination of the environment and to protect the public health from the hazards of exposure to asbestos;	37494 37495 37496 37497
(8) A description of the final clean-up procedures that the business entity or public entity will use;	37498 37499
(9) A list of all partners, owners, and officers of the business entity along with their social security numbers;	37500 37501
(10) The federal tax identification number of the business entity or the public entity.	37502 37503
(D) The fees to be charged to each public entity and business entity and their employees and agents for licensure, certification, approval, and renewal of licenses, certifications, and approvals granted under this chapter, subject to division (A)(4) of section 3710.02 of the Revised Code, are:	37504 37505 37506 37507 37508
(1) Five <u>Seven</u> hundred <u>fifty</u> dollars for asbestos hazard abatement contractors;	37509 37510
(2) One <u>Two</u> hundred twenty-five dollars for asbestos hazard abatement project designers;	37511 37512
(3) Twenty-five <u>Fifty</u> dollars for asbestos hazard abatement workers;	37513 37514
(4) One <u>Two</u> hundred twenty-five dollars for asbestos hazard abatement specialists;	37515 37516

(5) One <u>Two</u> hundred twenty-five dollars for asbestos hazard evaluation specialists; and	37517 37518
(6) Seven <u>Nine</u> hundred fifty dollars for approval or renewal of asbestos hazard training providers.	37519 37520
(E) Notwithstanding division (A) of this section, no business entity which engages in asbestos hazard abatement activities solely at its own place of business is required to be licensed as an asbestos hazard abatement contractor provided that the business entity is required to and does comply with all applicable standards of the United States environmental protection agency and the United States occupational safety and health administration and provided further that all persons employed by the business entity on the activity meet the requirements of this chapter.	37521 37522 37523 37524 37525 37526 37527 37528 37529
Sec. 3710.07. (A) Prior to engaging in any asbestos hazard abatement project, an asbestos hazard abatement contractor shall do all of the following:	37530 37531 37532
(1) Prepare a written respiratory protection program as defined by the public health council pursuant to rule, and make the program available to the department of health, and workers at the job site if the contractor is a public entity or prepare a written respiratory protection program, consistent with 29 C.F.R. 1910.134 and make the program available to the department, and workers at the job site if the contractor is a business entity;	37533 37534 37535 37536 37537 37538 37539
(2) Ensure that each worker who will be involved in any asbestos hazard abatement project has been examined within the preceding year and has been declared by a physician to be physically capable of working while wearing a respirator;	37540 37541 37542 37543
(3) Ensure that each of his <u>the contractor's</u> employees or agents who will come in contact with asbestos-containing materials or will be responsible for an asbestos hazard abatement project	37544 37545 37546

receives the appropriate certification or licensure required by 37547
this chapter and the following training: 37548

(a) An initial course approved by the department pursuant to 37549
section 3710.10 of the Revised Code, completed before engaging in 37550
any asbestos hazard abatement project; and 37551

(b) An annual review course approved by the department 37552
pursuant to section 3710.10 of the Revised Code. 37553

(B) After obtaining or renewing a license, an asbestos hazard 37554
abatement contractor shall notify the department, on a form 37555
approved by the director of health, at least ten days before 37556
beginning each asbestos hazard abatement project conducted during 37557
the term of ~~his~~ the contractor's license. 37558

(C) In addition to any other fee imposed under this chapter, 37559
an asbestos hazard abatement contractor shall pay, at the time of 37560
providing notice under division (B) of this section, the 37561
department a fee of ~~twenty-five~~ sixty-five dollars for each 37562
asbestos hazard abatement project conducted. 37563

Sec. 3711.021. For the purposes of this chapter, a maternity 37564
hospital or lying-in hospital includes a limited maternity unit, 37565
which is a unit in a hospital that contains no other maternity 37566
unit, in which care is provided during all or part of the 37567
maternity cycle and newborns receive care in a private room 37568
serving all antepartum, labor, delivery, recovery, postpartum, and 37569
nursery needs. 37570

The director of health may charge a maternity hospital or 37571
lying-in hospital seeking an initial or renewal license under this 37572
chapter a fee not exceeding the following: 37573

(A) ~~Three~~ Four thousand ~~eight hundred fifty~~ forty-two dollars 37574
for a hospital in which not less than two thousand births occurred 37575
the previous calendar year; 37576

(B) Three thousand ~~three~~ five hundred ~~fifty~~ seventeen dollars 37577
for a hospital in which not more than one thousand nine hundred 37578
ninety-nine and not less than one thousand births occurred the 37579
previous calendar year; 37580

(C) Two thousand ~~eight~~ nine hundred ~~fifty~~ ninety-two dollars 37581
for a hospital in which not more than nine hundred ninety-nine and 37582
not less than six hundred fifty births occurred the previous 37583
calendar year; 37584

(D) Two thousand ~~three~~ four hundred ~~fifty~~ sixty-seven dollars 37585
for a hospital in which not more than six hundred forty-nine and 37586
not less than four hundred fifty births occurred the previous 37587
calendar year; 37588

(E) One thousand ~~eight~~ nine hundred ~~fifty~~ forty-two dollars 37589
for a hospital in which not more than four hundred forty-nine 37590
births and not less than one hundred births occurred the previous 37591
calendar year; 37592

(F) One thousand ~~three~~ four hundred ~~fifty~~ seventeen dollars 37593
for a hospital in which not more than ninety-nine births occurred 37594
the previous calendar year. 37595

The director shall deposit all fees collected under this 37596
section into the general operations fund created under section 37597
3701.83 of the Revised Code. Money generated by the fees shall be 37598
used only for administration and enforcement of this chapter and 37599
rules adopted under it. 37600

Sec. 3717.42. (A) The following are not food service 37601
operations: 37602

(1) A retail food establishment licensed under this chapter, 37603
including a retail food establishment that provides the services 37604
of a food service operation pursuant to an endorsement issued 37605
under section 3717.24 of the Revised Code; 37606

(2) An entity exempt from the requirement to be licensed as a retail food establishment under division (B) of section 3717.22 of the Revised Code; 37607
37608
37609

(3) A business or that portion of a business that is regulated by the federal government or the department of agriculture as a food manufacturing or food processing business, including a business or that portion of a business regulated by the department of agriculture under Chapter 911., 913., 915., 917., 918., or 925. of the Revised Code. 37610
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(B) All of the following are exempt from the requirement to be licensed as a food service operation: 37616
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(1) A private home in which individuals related by blood, marriage, or law reside and in which the food that is prepared or served is intended only for those individuals and their nonpaying guests; 37618
37619
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37621

(2) A private home operated as a bed-and-breakfast that prepares and offers food to guests, if the home is owner-occupied, the number of available guest bedrooms does not exceed six, breakfast is the only meal offered, and the number of guests served does not exceed sixteen; 37622
37623
37624
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(3) A stand operated on the premises of a private home by one or more children under the age of twelve, if the food served is not potentially hazardous; 37627
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37629

(4) A residential facility that accommodates not more than sixteen residents; is licensed, certified, registered, or otherwise regulated by the federal government or by the state or a political subdivision of the state; and prepares food for or serves food to only the residents of the facility, the staff of the facility, and any nonpaying guests of residents or staff; 37630
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(5) A church, school, fraternal or veterans' organization, 37636

volunteer fire organization, or volunteer emergency medical 37637
service organization preparing or serving food intended for 37638
individual portion service on its premises for not more than seven 37639
consecutive days or not more than fifty-two separate days during a 37640
licensing period. This exemption extends to any individual or 37641
group raising all of its funds during the time periods specified 37642
in division (B)(5) of this section for the benefit of the church, 37643
school, or organization by preparing or serving food intended for 37644
individual portion service under the same conditions. 37645

(6) A common carrier that prepares or serves food, if the 37646
carrier is regulated by the federal government; 37647

(7) A food service operation serving ~~five~~ thirteen or fewer 37648
individuals daily; 37649

(8) A type A or type B family day-care home, as defined in 37650
section 5104.01 of the Revised Code, that prepares or serves food 37651
for the children receiving day-care; 37652

(9) A vending machine location where the only foods dispensed 37653
are foods from one or both of the following categories: 37654

(a) Prepackaged foods that are not potentially hazardous; 37655

(b) Nuts, panned or wrapped bulk chewing gum, or panned or 37656
wrapped bulk candies. 37657

(10) A place servicing the vending machines at a vending 37658
machine location described in division (B)(9) of this section; 37659

(11) A commissary servicing vending machines that dispense 37660
only milk, milk products, or frozen desserts that are under a 37661
state or federal inspection and analysis program; 37662

(12) A "controlled location vending machine location," which 37663
means a vending machine location at which all of the following 37664
apply: 37665

(a) The vending machines dispense only foods that are not 37666

potentially hazardous; 37667

(b) The machines are designed to be filled and maintained in 37668
a sanitary manner by untrained persons; 37669

(c) Minimal protection is necessary to ensure against 37670
contamination of food and equipment. 37671

(13) A private home that prepares and offers food to guests, 37672
if the home is owner-occupied, meals are served on the premises of 37673
that home, the number of meals served does not exceed one hundred 37674
fifteen per week, and the home displays a notice in a place 37675
conspicuous to all of its guests informing them that the home is 37676
not required to be licensed as a food service operation; 37677

(14) An individual who prepares full meals or meal 37678
components, such as pies or baked goods, in the individual's home 37679
to be served off the premises of that home, if the number of meals 37680
or meal components prepared for that purpose does not exceed 37681
twenty in a seven-day period. 37682

Sec. 3721.02. (A) The director of health shall license homes 37683
and establish procedures to be followed in inspecting and 37684
licensing homes. The director may inspect a home at any time. Each 37685
home shall be inspected by the director at least once prior to the 37686
issuance of a license and at least once every fifteen months 37687
thereafter. The state fire marshal or a township, municipal, or 37688
other legally constituted fire department approved by the marshal 37689
shall also inspect a home prior to issuance of a license, at least 37690
once every fifteen months thereafter, and at any other time 37691
requested by the director. A home does not have to be inspected 37692
prior to issuance of a license by the director, state fire 37693
marshal, or a fire department if ownership of the home is assigned 37694
or transferred to a different person and the home was licensed 37695
under this chapter immediately prior to the assignment or 37696
transfer. The director may enter at any time, for the purposes of 37697

investigation, any institution, residence, facility, or other 37698
structure that has been reported to the director or that the 37699
director has reasonable cause to believe is operating as a nursing 37700
home, residential care facility, or home for the aging without a 37701
valid license required by section 3721.05 of the Revised Code or, 37702
in the case of a county home or district home, is operating 37703
despite the revocation of its residential care facility license. 37704
The director may delegate the director's authority and duties 37705
under this chapter to any division, bureau, agency, or official of 37706
the department of health. 37707

(B) A single facility may be licensed both as a nursing home 37708
pursuant to this chapter and as an adult care facility pursuant to 37709
Chapter 3722. of the Revised Code if the director determines that 37710
the part or unit to be licensed as a nursing home can be 37711
maintained separate and discrete from the part or unit to be 37712
licensed as an adult care facility. 37713

(C) In determining the number of residents in a home for the 37714
purpose of licensing, the director shall consider all the 37715
individuals for whom the home provides accommodations as one group 37716
unless one of the following is the case: 37717

(1) The home is a home for the aging, in which case all the 37718
individuals in the part or unit licensed as a nursing home shall 37719
be considered as one group, and all the individuals in the part or 37720
unit licensed as a rest home shall be considered as another group. 37721

(2) The home is both a nursing home and an adult care 37722
facility. In that case, all the individuals in the part or unit 37723
licensed as a nursing home shall be considered as one group, and 37724
all the individuals in the part or unit licensed as an adult care 37725
facility shall be considered as another group. 37726

(3) The home maintains, in addition to a nursing home or 37727
residential care facility, a separate and discrete part or unit 37728

that provides accommodations to individuals who do not require or 37729
receive skilled nursing care and do not receive personal care 37730
services from the home, in which case the individuals in the 37731
separate and discrete part or unit shall not be considered in 37732
determining the number of residents in the home if the separate 37733
and discrete part or unit is in compliance with the Ohio basic 37734
building code established by the board of building standards under 37735
Chapters 3781. and 3791. of the Revised Code and the home permits 37736
the director, on request, to inspect the separate and discrete 37737
part or unit and speak with the individuals residing there, if 37738
they consent, to determine whether the separate and discrete part 37739
or unit meets the requirements of this division. 37740

(D) The director of health shall charge an application fee 37741
and an annual renewal licensing and inspection fee of one hundred 37742
five dollars for each fifty persons or part thereof of a home's 37743
licensed capacity. All fees collected by the director for the 37744
issuance or renewal of licenses shall be deposited into the state 37745
treasury to the credit of the general operations fund created in 37746
section 3701.83 of the Revised Code for use only in administering 37747
and enforcing this chapter and rules adopted under it. 37748

(E)(1) Except as otherwise provided in this section, the 37749
results of an inspection or investigation of a home that is 37750
conducted under this section, including any statement of 37751
deficiencies and all findings and deficiencies cited in the 37752
statement on the basis of the inspection or investigation, shall 37753
be used solely to determine the home's compliance with this 37754
chapter or another chapter of the Revised Code in any action or 37755
proceeding other than an action commenced under division (I) of 37756
section 3721.17 of the Revised Code. Those results of an 37757
inspection or investigation, that statement of deficiencies, and 37758
the findings and deficiencies cited in that statement shall not be 37759
used in any court or in any action or proceeding that is pending 37760

in any court and are not admissible in evidence in any action or 37761
proceeding unless that action or proceeding is an appeal of an 37762
action by the department of health under this chapter or is an 37763
action by any department or agency of the state to enforce this 37764
chapter or another chapter of the Revised Code. 37765

(2) Nothing in division (E)(1) of this section prohibits the 37766
results of an inspection or investigation conducted under this 37767
section from being used in a criminal investigation or 37768
prosecution. 37769

Sec. 3721.121. (A) As used in this section: 37770

(1) "Adult day-care program" means a program operated 37771
pursuant to rules adopted by the public health council under 37772
section 3721.04 of the Revised Code and provided by and on the 37773
same site as homes licensed under this chapter. 37774

(2) "Applicant" means a person who is under final 37775
consideration for employment with a home or adult day-care program 37776
in a full-time, part-time, or temporary position that involves 37777
providing direct care to an older adult. "Applicant" does not 37778
include a person who provides direct care as a volunteer without 37779
receiving or expecting to receive any form of remuneration other 37780
than reimbursement for actual expenses. 37781

(3) "Criminal records check" and "older adult" have the same 37782
meanings as in section 109.572 of the Revised Code. 37783

(4) "Home" means a home as defined in section 3721.10 of the 37784
Revised Code. 37785

(B)(1) Except as provided in division (I) of this section, 37786
the chief administrator of a home or adult day-care program shall 37787
request that the superintendent of the bureau of criminal 37788
identification and investigation conduct a criminal records check 37789
with respect to each applicant. If an applicant for whom a 37790

criminal records check request is required under this division 37791
does not present proof of having been a resident of this state for 37792
the five-year period immediately prior to the date the criminal 37793
records check is requested or provide evidence that within that 37794
five-year period the superintendent has requested information 37795
about the applicant from the federal bureau of investigation in a 37796
criminal records check, the chief administrator shall request that 37797
the superintendent obtain information from the federal bureau of 37798
investigation as part of the criminal records check of the 37799
applicant. Even if an applicant for whom a criminal records check 37800
request is required under this division presents proof of having 37801
been a resident of this state for the five-year period, the chief 37802
administrator may request that the superintendent include 37803
information from the federal bureau of investigation in the 37804
criminal records check. 37805

(2) A person required by division (B)(1) of this section to 37806
request a criminal records check shall do both of the following: 37807

(a) Provide to each applicant for whom a criminal records 37808
check request is required under that division a copy of the form 37809
prescribed pursuant to division (C)(1) of section 109.572 of the 37810
Revised Code and a standard fingerprint impression sheet 37811
prescribed pursuant to division (C)(2) of that section, and obtain 37812
the completed form and impression sheet from the applicant; 37813

(b) Forward the completed form and impression sheet to the 37814
superintendent of the bureau of criminal identification and 37815
investigation. 37816

(3) An applicant provided the form and fingerprint impression 37817
sheet under division (B)(2)(a) of this section who fails to 37818
complete the form or provide fingerprint impressions shall not be 37819
employed in any position for which a criminal records check is 37820
required by this section. 37821

(C)(1) Except as provided in rules adopted by the director of health in accordance with division (F) of this section and subject to division (C)(2) of this section, no home or adult day-care program shall employ a person in a position that involves providing direct care to an older adult if the person has been convicted of or pleaded guilty to any of the following:

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

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

(2)(a) A home or an adult day-care program may employ conditionally an applicant for whom a criminal records check request is required under division (B) of this section prior to obtaining the results of a criminal records check regarding the individual, provided that the home or program shall request a criminal records check regarding the individual in accordance with division (B)(1) of this section not later than five business days after the individual begins conditional employment. In the circumstances described in division (I)(2) of this section, a home or adult day-care program may employ conditionally an applicant who has been referred to the home or adult day-care program by an employment service that supplies full-time, part-time, or temporary staff for positions involving the direct care of older

adults and for whom, pursuant to that division, a criminal records check is not required under division (B) of this section.

(b) A home or adult day-care program that employs an individual conditionally under authority of division (C)(2)(a) of this section shall terminate the individual's employment if the results of the criminal records check requested under division (B) of this section or described in division (I)(2) of this section, other than the results of any request for information from the federal bureau of investigation, are not obtained within the period ending ~~sixty~~ thirty days after the date the request is made. Regardless of when the results of the criminal records check are obtained, if the results indicate that the individual has been convicted of or pleaded guilty to any of the offenses listed or described in division (C)(1) of this section, the home or program shall terminate the individual's employment unless the home or program chooses to employ the individual pursuant to division (F) of this section. Termination of employment under this division shall be considered just cause for discharge for purposes of division (D)(2) of section 4141.29 of the Revised Code if the individual makes any attempt to deceive the home or program about the individual's criminal record.

(D)(1) Each home or adult day-care program shall pay to the bureau of criminal identification and investigation the fee prescribed pursuant to division (C)(3) of section 109.572 of the Revised Code for each criminal records check conducted pursuant to a request made under division (B) of this section.

(2) A home or adult day-care program may charge an applicant a fee not exceeding the amount the home or program pays under division (D)(1) of this section. A home or program may collect a fee only if both of the following apply:

(a) The home or program notifies the person at the time of initial application for employment of the amount of the fee and

that, unless the fee is paid, the person will not be considered 37886
for employment; 37887

(b) The medical assistance program established under Chapter 37888
5111. of the Revised Code does not reimburse the home or program 37889
the fee it pays under division (D)(1) of this section. 37890

(E) The report of any criminal records check conducted 37891
pursuant to a request made under this section is not a public 37892
record for the purposes of section 149.43 of the Revised Code and 37893
shall not be made available to any person other than the 37894
following: 37895

(1) The individual who is the subject of the criminal records 37896
check or the individual's representative; 37897

(2) The chief administrator of the home or program requesting 37898
the criminal records check or the administrator's representative; 37899

(3) The administrator of any other facility, agency, or 37900
program that provides direct care to older adults that is owned or 37901
operated by the same entity that owns or operates the home or 37902
program; 37903

(4) A court, hearing officer, or other necessary individual 37904
involved in a case dealing with a denial of employment of the 37905
applicant or dealing with employment or unemployment benefits of 37906
the applicant; 37907

(5) Any person to whom the report is provided pursuant to, 37908
and in accordance with, division (I)(1) or (2) of this section. 37909

(F) In accordance with section 3721.11 of the Revised Code, 37910
the director of health shall adopt rules to implement this 37911
section. The rules shall specify circumstances under which a home 37912
or adult day-care program may employ a person who has been 37913
convicted of or pleaded guilty to an offense listed or described 37914
in division (C)(1) of this section but meets personal character 37915

standards set by the director. 37916

(G) The chief administrator of a home or adult day-care 37917
program shall inform each individual, at the time of initial 37918
application for a position that involves providing direct care to 37919
an older adult, that the individual is required to provide a set 37920
of fingerprint impressions and that a criminal records check is 37921
required to be conducted if the individual comes under final 37922
consideration for employment. 37923

(H) In a tort or other civil action for damages that is 37924
brought as the result of an injury, death, or loss to person or 37925
property caused by an individual who a home or adult day-care 37926
program employs in a position that involves providing direct care 37927
to older adults, all of the following shall apply: 37928

(1) If the home or program employed the individual in good 37929
faith and reasonable reliance on the report of a criminal records 37930
check requested under this section, the home or program shall not 37931
be found negligent solely because of its reliance on the report, 37932
even if the information in the report is determined later to have 37933
been incomplete or inaccurate; 37934

(2) If the home or program employed the individual in good 37935
faith on a conditional basis pursuant to division (C)(2) of this 37936
section, the home or program shall not be found negligent solely 37937
because it employed the individual prior to receiving the report 37938
of a criminal records check requested under this section; 37939

(3) If the home or program in good faith employed the 37940
individual according to the personal character standards 37941
established in rules adopted under division (F) of this section, 37942
the home or program shall not be found negligent solely because 37943
the individual prior to being employed had been convicted of or 37944
pleaded guilty to an offense listed or described in division 37945
(C)(1) of this section. 37946

(I)(1) The chief administrator of a home or adult day-care program is not required to request that the superintendent of the bureau of criminal identification and investigation conduct a criminal records check of an applicant if the applicant has been referred to the home or program by an employment service that supplies full-time, part-time, or temporary staff for positions involving the direct care of older adults and both of the following apply:

(a) The chief administrator receives from the employment service or the applicant a report of the results of a criminal records check regarding the applicant that has been conducted by the superintendent within the one-year period immediately preceding the applicant's referral;

(b) The report of the criminal records check demonstrates that the person has not been convicted of or pleaded guilty to an offense listed or described in division (C)(1) of this section, or the report demonstrates that the person has been convicted of or pleaded guilty to one or more of those offenses, but the home or adult day-care program chooses to employ the individual pursuant to division (F) of this section.

(2) The chief administrator of a home or adult day-care program is not required to request that the superintendent of the bureau of criminal identification and investigation conduct a criminal records check of an applicant and may employ the applicant conditionally as described in this division, if the applicant has been referred to the home or program by an employment service that supplies full-time, part-time, or temporary staff for positions involving the direct care of older adults and if the chief administrator receives from the employment service or the applicant a letter from the employment service that is on the letterhead of the employment service, dated, and signed by a supervisor or another designated official of the employment

service and that states that the employment service has requested 37979
the superintendent to conduct a criminal records check regarding 37980
the applicant, that the requested criminal records check will 37981
include a determination of whether the applicant has been 37982
convicted of or pleaded guilty to any offense listed or described 37983
in division (C)(1) of this section, that, as of the date set forth 37984
on the letter, the employment service had not received the results 37985
of the criminal records check, and that, when the employment 37986
service receives the results of the criminal records check, it 37987
promptly will send a copy of the results to the home or adult-care 37988
program. If a home or adult day-care program employs an applicant 37989
conditionally in accordance with this division, the employment 37990
service, upon its receipt of the results of the criminal records 37991
check, promptly shall send a copy of the results to the home or 37992
adult day-care program, and division (C)(2)(b) of this section 37993
applies regarding the conditional employment. 37994

Sec. 3722.151. (A) As used in this section: 37995

(1) "Adult care facility" has the same meaning as in section 37996
3722.01 of the Revised Code. 37997

(2) "Applicant" means a person who is under final 37998
consideration for employment with an adult care facility in a 37999
full-time, part-time, or temporary position that involves 38000
providing direct care to an older adult. "Applicant" does not 38001
include a person who provides direct care as a volunteer without 38002
receiving or expecting to receive any form of remuneration other 38003
than reimbursement for actual expenses. 38004

(3) "Criminal records check" and "older adult" have the same 38005
meanings as in section 109.572 of the Revised Code. 38006

(B)(1) Except as provided in division (I) of this section, 38007
the chief administrator of an adult care facility shall request 38008
that the superintendent of the bureau of criminal identification 38009

and investigation conduct a criminal records check with respect to 38010
each applicant. If an applicant for whom a criminal records check 38011
request is required under this division does not present proof of 38012
having been a resident of this state for the five-year period 38013
immediately prior to the date the criminal records check is 38014
requested or provide evidence that within that five-year period 38015
the superintendent has requested information about the applicant 38016
from the federal bureau of investigation in a criminal records 38017
check, the chief administrator shall request that the 38018
superintendent obtain information from the federal bureau of 38019
investigation as part of the criminal records check of the 38020
applicant. Even if an applicant for whom a criminal records check 38021
request is required under this division presents proof of having 38022
been a resident of this state for the five-year period, the chief 38023
administrator may request that the superintendent include 38024
information from the federal bureau of investigation in the 38025
criminal records check. 38026

(2) A person required by division (B)(1) of this section to 38027
request a criminal records check shall do both of the following: 38028

(a) Provide to each applicant for whom a criminal records 38029
check request is required under that division a copy of the form 38030
prescribed pursuant to division (C)(1) of section 109.572 of the 38031
Revised Code and a standard fingerprint impression sheet 38032
prescribed pursuant to division (C)(2) of that section, and obtain 38033
the completed form and impression sheet from the applicant; 38034

(b) Forward the completed form and impression sheet to the 38035
superintendent of the bureau of criminal identification and 38036
investigation. 38037

(3) An applicant provided the form and fingerprint impression 38038
sheet under division (B)(2)(a) of this section who fails to 38039
complete the form or provide fingerprint impressions shall not be 38040
employed in any position for which a criminal records check is 38041

required by this section. 38042

(C)(1) Except as provided in rules adopted by the public 38043
health council in accordance with division (F) of this section and 38044
subject to division (C)(2) of this section, no adult care facility 38045
shall employ a person in a position that involves providing direct 38046
care to an older adult if the person has been convicted of or 38047
pleaded guilty to any of the following: 38048

(a) A violation of section 2903.01, 2903.02, 2903.03, 38049
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 38050
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 38051
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 38052
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 38053
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 38054
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 38055
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 38056
2925.22, 2925.23, or 3716.11 of the Revised Code. 38057

(b) A violation of an existing or former law of this state, 38058
any other state, or the United States that is substantially 38059
equivalent to any of the offenses listed in division (C)(1)(a) of 38060
this section. 38061

(2)(a) An adult care facility may employ conditionally an 38062
applicant for whom a criminal records check request is required 38063
under division (B) of this section prior to obtaining the results 38064
of a criminal records check regarding the individual, provided 38065
that the facility shall request a criminal records check regarding 38066
the individual in accordance with division (B)(1) of this section 38067
not later than five business days after the individual begins 38068
conditional employment. In the circumstances described in division 38069
(I)(2) of this section, an adult care facility may employ 38070
conditionally an applicant who has been referred to the adult care 38071
facility by an employment service that supplies full-time, 38072
part-time, or temporary staff for positions involving the direct 38073

care of older adults and for whom, pursuant to that division, a 38074
criminal records check is not required under division (B) of this 38075
section. 38076

(b) An adult care facility that employs an individual 38077
conditionally under authority of division (C)(2)(a) of this 38078
section shall terminate the individual's employment if the results 38079
of the criminal records check requested under division (B) of this 38080
section or described in division (I)(2) of this section, other 38081
than the results of any request for information from the federal 38082
bureau of investigation, are not obtained within the period ending 38083
~~sixty~~ thirty days after the date the request is made. Regardless 38084
of when the results of the criminal records check are obtained, if 38085
the results indicate that the individual has been convicted of or 38086
pleaded guilty to any of the offenses listed or described in 38087
division (C)(1) of this section, the facility shall terminate the 38088
individual's employment unless the facility chooses to employ the 38089
individual pursuant to division (F) of this section. Termination 38090
of employment under this division shall be considered just cause 38091
for discharge for purposes of division (D)(2) of section 4141.29 38092
of the Revised Code if the individual makes any attempt to deceive 38093
the facility about the individual's criminal record. 38094

(D)(1) Each adult care facility shall pay to the bureau of 38095
criminal identification and investigation the fee prescribed 38096
pursuant to division (C)(3) of section 109.572 of the Revised Code 38097
for each criminal records check conducted pursuant to a request 38098
made under division (B) of this section. 38099

(2) An adult care facility may charge an applicant a fee not 38100
exceeding the amount the facility pays under division (D)(1) of 38101
this section. A facility may collect a fee only if it notifies the 38102
person at the time of initial application for employment of the 38103
amount of the fee and that, unless the fee is paid, the person 38104
will not be considered for employment. 38105

(E) The report of any criminal records check conducted 38106
pursuant to a request made under this section is not a public 38107
record for the purposes of section 149.43 of the Revised Code and 38108
shall not be made available to any person other than the 38109
following: 38110

(1) The individual who is the subject of the criminal records 38111
check or the individual's representative; 38112

(2) The chief administrator of the facility requesting the 38113
criminal records check or the administrator's representative; 38114

(3) The administrator of any other facility, agency, or 38115
program that provides direct care to older adults that is owned or 38116
operated by the same entity that owns or operates the adult care 38117
facility; 38118

(4) A court, hearing officer, or other necessary individual 38119
involved in a case dealing with a denial of employment of the 38120
applicant or dealing with employment or unemployment benefits of 38121
the applicant; 38122

(5) Any person to whom the report is provided pursuant to, 38123
and in accordance with, division (I)(1) or (2) of this section. 38124

(F) The public health council shall adopt rules in accordance 38125
with Chapter 119. of the Revised Code to implement this section. 38126
The rules shall specify circumstances under which an adult care 38127
facility may employ a person who has been convicted of or pleaded 38128
guilty to an offense listed or described in division (C)(1) of 38129
this section but meets personal character standards set by the 38130
council. 38131

(G) The chief administrator of an adult care facility shall 38132
inform each individual, at the time of initial application for a 38133
position that involves providing direct care to an older adult, 38134
that the individual is required to provide a set of fingerprint 38135

impressions and that a criminal records check is required to be 38136
conducted if the individual comes under final consideration for 38137
employment. 38138

(H) In a tort or other civil action for damages that is 38139
brought as the result of an injury, death, or loss to person or 38140
property caused by an individual who an adult care facility 38141
employs in a position that involves providing direct care to older 38142
adults, all of the following shall apply: 38143

(1) If the facility employed the individual in good faith and 38144
reasonable reliance on the report of a criminal records check 38145
requested under this section, the facility shall not be found 38146
negligent solely because of its reliance on the report, even if 38147
the information in the report is determined later to have been 38148
incomplete or inaccurate; 38149

(2) If the facility employed the individual in good faith on 38150
a conditional basis pursuant to division (C)(2) of this section, 38151
the facility shall not be found negligent solely because it 38152
employed the individual prior to receiving the report of a 38153
criminal records check requested under this section; 38154

(3) If the facility in good faith employed the individual 38155
according to the personal character standards established in rules 38156
adopted under division (F) of this section, the facility shall not 38157
be found negligent solely because the individual prior to being 38158
employed had been convicted of or pleaded guilty to an offense 38159
listed or described in division (C)(1) of this section. 38160

(I)(1) The chief administrator of an adult care facility is 38161
not required to request that the superintendent of the bureau of 38162
criminal identification and investigation conduct a criminal 38163
records check of an applicant if the applicant has been referred 38164
to the facility by an employment service that supplies full-time, 38165
part-time, or temporary staff for positions involving the direct 38166

care of older adults and both of the following apply: 38167

(a) The chief administrator receives from the employment 38168
service or the applicant a report of the results of a criminal 38169
records check regarding the applicant that has been conducted by 38170
the superintendent within the one-year period immediately 38171
preceding the applicant's referral; 38172

(b) The report of the criminal records check demonstrates 38173
that the person has not been convicted of or pleaded guilty to an 38174
offense listed or described in division (C)(1) of this section, or 38175
the report demonstrates that the person has been convicted of or 38176
pleaded guilty to one or more of those offenses, but the adult 38177
care facility chooses to employ the individual pursuant to 38178
division (F) of this section. 38179

(2) The chief administrator of an adult care facility is not 38180
required to request that the superintendent of the bureau of 38181
criminal identification and investigation conduct a criminal 38182
records check of an applicant and may employ the applicant 38183
conditionally as described in this division, if the applicant has 38184
been referred to the facility by an employment service that 38185
supplies full-time, part-time, or temporary staff for positions 38186
involving the direct care of older adults and if the chief 38187
administrator receives from the employment service or the 38188
applicant a letter from the employment service that is on the 38189
letterhead of the employment service, dated, and signed by a 38190
supervisor or another designated official of the employment 38191
service and that states that the employment service has requested 38192
the superintendent to conduct a criminal records check regarding 38193
the applicant, that the requested criminal records check will 38194
include a determination of whether the applicant has been 38195
convicted of or pleaded guilty to any offense listed or described 38196
in division (C)(1) of this section, that, as of the date set forth 38197
on the letter, the employment service had not received the results 38198

of the criminal records check, and that, when the employment 38199
service receives the results of the criminal records check, it 38200
promptly will send a copy of the results to the adult care 38201
facility. If an adult care facility employs an applicant 38202
conditionally in accordance with this division, the employment 38203
service, upon its receipt of the results of the criminal records 38204
check, promptly shall send a copy of the results to the adult care 38205
facility, and division (C)(2)(b) of this section applies regarding 38206
the conditional employment. 38207

Sec. 3733.43. (A) Except as otherwise provided in this 38208
division, prior to the fifteenth day of April in each year, every 38209
person who intends to operate an agricultural labor camp shall 38210
make application to the licenser for a license to operate such 38211
camp, effective for the calendar year in which it is issued. The 38212
licenser may accept an application on or after the fifteenth day 38213
of April. The license fees specified in this division shall be 38214
submitted to the licenser with the application for a license. No 38215
agricultural labor camp shall be operated in this state without a 38216
license. Any person operating an agricultural labor camp without a 38217
current and valid agricultural labor camp license is not excepted 38218
from compliance with sections 3733.41 to 3733.49 of the Revised 38219
Code by holding a valid and current hotel license. Each person 38220
proposing to open an agricultural labor camp shall submit with the 38221
application for a license any plans required by any rule adopted 38222
under section 3733.42 of the Revised Code. The annual license fee 38223
is ~~twenty~~ seventy-five dollars, unless the application for a 38224
license is made on or after the fifteenth day of April, in which 38225
case the annual license fee is ~~forty~~ one hundred dollars. An 38226
additional fee of ~~three~~ ten dollars per housing unit per year 38227
shall be assessed to defray the costs of enforcing sections 38228
3733.41 to 3733.49 of the Revised Code, unless the application for 38229
a license is made on or after the fifteenth day of April, in which 38230

case an additional fee of ~~six~~ fifteen dollars per housing unit 38231
shall be assessed. All fees collected under this division shall be 38232
deposited in the state treasury to the credit of the general 38233
operations fund created in section 3701.83 of the Revised Code and 38234
shall be used for the administration and enforcement of sections 38235
3733.41 to 3733.49 of the Revised Code and rules adopted 38236
thereunder. 38237

(B) Any license under this section may be denied, suspended, 38238
or revoked by the licensor for violation of sections 3733.41 to 38239
3733.49 of the Revised Code or the rules adopted thereunder. 38240
Unless there is an immediate serious public health hazard, no 38241
denial, suspension, or revocation of a license shall be made 38242
effective until the person operating the agricultural labor camp 38243
has been given notice in writing of the specific violations and a 38244
reasonable time to make corrections. When the licensor determines 38245
that an immediate serious public health hazard exists, ~~he~~ the 38246
licensor shall issue an order denying or suspending the license 38247
without a prior hearing. 38248

(C) All proceedings under this section are subject to Chapter 38249
119. of the Revised Code except as provided in section 3733.431 of 38250
the Revised Code. 38251

(D) Every occupant of an agricultural labor camp shall keep 38252
that part of the dwelling unit, and premises thereof, that ~~he~~ the 38253
occupant occupies and controls in a clean and sanitary condition. 38254

Sec. 3733.45. (A) The licensor shall inspect all agricultural 38255
labor camps and shall require compliance with sections 3733.41 to 38256
3733.49 of the Revised Code and the rules adopted thereunder prior 38257
to the issuance of a license. Upon receipt of a complaint from the 38258
migrant agricultural ~~ombudsman~~ ombudsperson or upon the basis of a 38259
licensor's own information that an agricultural labor camp is 38260
operating without a license, the licensor shall inspect the camp. 38261

If the camp is operating without a license, the licensor shall 38262
require the camp to comply with sections 3733.41 to 3733.49 of the 38263
Revised Code and the rules adopted under those sections. No 38264
license shall be issued unless results of water supply tests 38265
indicate that the water supply meets required standards or if any 38266
violations exist concerning sanitation, drainage, or habitability 38267
of housing units. 38268

(B) The licensor shall, upon issuance of each license, 38269
distribute posters containing the toll-free telephone number of 38270
the migrant agricultural ~~ombudsman~~ ombudsperson established in 38271
section 3733.49 of the Revised Code and information in English and 38272
Spanish describing the purpose of the ~~ombudsman's~~ ombudsperson's 38273
office, as provided in that section. The licensor shall provide at 38274
least two posters to the licensee, one for ~~his~~ the licensee's 38275
personal use and at least one that shall be posted in a 38276
conspicuous place within the camp. 38277

(C) The licensor may, upon proper identification to the 38278
operator or ~~his~~ the operator's agent, enter on any property or 38279
into any structure at any reasonable time for the purpose of 38280
making inspections required by this section. 38281

The licensor shall make at least one inspection prior to 38282
licensing, ~~and at least two inspections during occupancy of the~~ 38283
~~camps, at least one of which shall be an unannounced evening~~ 38284
~~inspection conducted after five p.m. The licensor shall determine~~ 38285
~~and record housing unit occupancy during each evening inspection.~~ 38286
The licensor shall make such other inspections as ~~he~~ the licensor 38287
considers necessary to enforce sections 3733.41 to 3733.49 of the 38288
Revised Code adequately. 38289

(D) Any plans submitted to the licensor shall be in 38290
compliance with rules adopted pursuant to section 3733.42 of the 38291
Revised Code and shall be approved or disapproved within thirty 38292
days after they are filed. 38293

~~(E) All designees of the licensor who conduct inspections in the evening in accordance with this section shall speak both English and Spanish fluently. At least one member of the permanent staff assigned to conduct inspections in accordance with this section shall speak both English and Spanish fluently.~~

~~(F)~~ The licensor shall issue an annual report that shall accurately reflect the results of that year's inspections, including, but not limited to, numbers of ~~pre and post occupancy~~ inspections, number of violations found, and action taken in regard to violations. The report shall also include an assessment of any problems found in that year and proposed solutions for them.

Sec. 3734.02. (A) The director of environmental protection, in accordance with Chapter 119. of the Revised Code, shall adopt and may amend, suspend, or rescind rules having uniform application throughout the state governing solid waste facilities and the inspections of and issuance of permits and licenses for all solid waste facilities in order to ensure that the facilities will be located, maintained, and operated, and will undergo closure and post-closure care, in a sanitary manner so as not to create a nuisance, cause or contribute to water pollution, create a health hazard, or violate 40 C.F.R. 257.3-2 or 40 C.F.R. 257.3-8, as amended. The rules may include, without limitation, financial assurance requirements for closure and post-closure care and corrective action and requirements for taking corrective action in the event of the surface or subsurface discharge or migration of explosive gases or leachate from a solid waste facility, or of ground water contamination resulting from the transfer or disposal of solid wastes at a facility, beyond the boundaries of any area within a facility that is operating or is undergoing closure or post-closure care where solid wastes were

disposed of or are being disposed of. The rules shall not concern 38325
or relate to personnel policies, salaries, wages, fringe benefits, 38326
or other conditions of employment of employees of persons owning 38327
or operating solid waste facilities. The director, in accordance 38328
with Chapter 119. of the Revised Code, shall adopt and may amend, 38329
suspend, or rescind rules governing the issuance, modification, 38330
revocation, suspension, or denial of variances from the director's 38331
solid waste rules, including, without limitation, rules adopted 38332
under this chapter governing the management of scrap tires. 38333

Variances shall be issued, modified, revoked, suspended, or 38334
rescinded in accordance with this division, rules adopted under 38335
it, and Chapter 3745. of the Revised Code. The director may order 38336
the person to whom a variance is issued to take such action within 38337
such time as the director may determine to be appropriate and 38338
reasonable to prevent the creation of a nuisance or a hazard to 38339
the public health or safety or the environment. Applications for 38340
variances shall contain such detail plans, specifications, and 38341
information regarding objectives, procedures, controls, and other 38342
pertinent data as the director may require. The director shall 38343
grant a variance only if the applicant demonstrates to the 38344
director's satisfaction that construction and operation of the 38345
solid waste facility in the manner allowed by the variance and any 38346
terms or conditions imposed as part of the variance will not 38347
create a nuisance or a hazard to the public health or safety or 38348
the environment. In granting any variance, the director shall 38349
state the specific provision or provisions whose terms are to be 38350
varied and also shall state specific terms or conditions imposed 38351
upon the applicant in place of the provision or provisions. The 38352
director may hold a public hearing on an application for a 38353
variance or renewal of a variance at a location in the county 38354
where the operations that are the subject of the application for 38355
the variance are conducted. The director shall give not less than 38356
twenty days' notice of the hearing to the applicant by certified 38357

mail and shall publish at least one notice of the hearing in a 38358
newspaper with general circulation in the county where the hearing 38359
is to be held. The director shall make available for public 38360
inspection at the principal office of the environmental protection 38361
agency a current list of pending applications for variances and a 38362
current schedule of pending variance hearings. The director shall 38363
make a complete stenographic record of testimony and other 38364
evidence submitted at the hearing. Within ten days after the 38365
hearing, the director shall make a written determination to issue, 38366
renew, or deny the variance and shall enter the determination and 38367
the basis for it into the record of the hearing. The director 38368
shall issue, renew, or deny an application for a variance or 38369
renewal of a variance within six months of the date upon which the 38370
director receives a complete application with all pertinent 38371
information and data required. No variance shall be issued, 38372
revoked, modified, or denied until the director has considered the 38373
relative interests of the applicant, other persons and property 38374
affected by the variance, and the general public. Any variance 38375
granted under this division shall be for a period specified by the 38376
director and may be renewed from time to time on such terms and 38377
for such periods as the director determines to be appropriate. No 38378
application shall be denied and no variance shall be revoked or 38379
modified without a written order stating the findings upon which 38380
the denial, revocation, or modification is based. A copy of the 38381
order shall be sent to the applicant or variance holder by 38382
certified mail. 38383

(B) The director shall prescribe and furnish the forms 38384
necessary to administer and enforce this chapter. The director may 38385
cooperate with and enter into agreements with other state, local, 38386
or federal agencies to carry out the purposes of this chapter. The 38387
director may exercise all incidental powers necessary to carry out 38388
the purposes of this chapter. 38389

The director may use moneys in the infectious waste management fund created in section 3734.021 of the Revised Code exclusively for administering and enforcing the provisions of this chapter governing the management of infectious wastes. Of each registration and renewal fee collected under rules adopted under division (A)(2)(a) of section 3734.021 or under section 3734.022 of the Revised Code, the director, within forty-five days of its receipt, shall remit from the fund one-half of the fee received to the board of health of the health district in which the registered premises is located, or, in the instance of an infectious wastes transporter, to the board of health of the health district in which the transporter's principal place of business is located. However, if the board of health having jurisdiction over a registrant's premises or principal place of business is not on the approved list under section 3734.08 of the Revised Code, the director shall not make that payment to the board of health.

(C) Except as provided in this division and divisions (N)(2) and (3) of this section, no person shall establish a new solid waste facility or infectious waste treatment facility, or modify an existing solid waste facility or infectious waste treatment facility, without submitting an application for a permit with accompanying detail plans, specifications, and information regarding the facility and method of operation and receiving a permit issued by the director, except that no permit shall be required under this division to install or operate a solid waste facility for sewage sludge treatment or disposal when the treatment or disposal is authorized by a current permit issued under Chapter 3704. or 6111. of the Revised Code.

No person shall continue to operate a solid waste facility for which the director has denied a permit for which an application was required under division (A)(3) of section 3734.05 of the Revised Code, or for which the director has disapproved

plans and specifications required to be filed by an order issued 38422
under division (A)(5) of that section, after the date prescribed 38423
for commencement of closure of the facility in the order issued 38424
under division (A)(6) of section 3734.05 of the Revised Code 38425
denying the permit application or approval. 38426

On and after the effective date of the rules adopted under 38427
division (A) of this section and division (D) of section 3734.12 38428
of the Revised Code governing solid waste transfer facilities, no 38429
person shall establish a new, or modify an existing, solid waste 38430
transfer facility without first submitting an application for a 38431
permit with accompanying engineering detail plans, specifications, 38432
and information regarding the facility and its method of operation 38433
to the director and receiving a permit issued by the director. 38434

No person shall establish a new compost facility or continue 38435
to operate an existing compost facility that accepts exclusively 38436
source separated yard wastes without submitting a completed 38437
registration for the facility to the director in accordance with 38438
rules adopted under divisions (A) and (N)(3) of this section. 38439

This division does not apply to an infectious waste treatment 38440
facility that meets any of the following conditions: 38441

(1) Is owned or operated by the generator of the wastes and 38442
exclusively treats, by methods, techniques, and practices 38443
established by rules adopted under division (C)(1) or (3) of 38444
section 3734.021 of the Revised Code, wastes that are generated at 38445
any premises owned or operated by that generator regardless of 38446
whether the wastes are generated on the premises where the 38447
generator's treatment facility is located or, if the generator is 38448
a hospital as defined in section 3727.01 of the Revised Code, 38449
infectious wastes that are described in division (A)(1)(g), (h), 38450
or (i) of section 3734.021 of the Revised Code; 38451

(2) Holds a license or renewal of a license to operate a 38452

crematory facility issued under Chapter 4717. and a permit issued	38453
under Chapter 3704. of the Revised Code;	38454
(3) Treats or disposes of dead animals or parts thereof, or	38455
the blood of animals, and is subject to any of the following:	38456
(a) Inspection under the "Federal Meat Inspection Act," 81	38457
Stat. 584 (1967), 21 U.S.C.A. 603, as amended;	38458
(b) Chapter 918. of the Revised Code;	38459
(c) Chapter 953. of the Revised Code.	38460
(D) Neither this chapter nor any rules adopted under it apply	38461
to single-family residential premises; to infectious wastes	38462
generated by individuals for purposes of their own care or	38463
treatment that are disposed of with solid wastes from the	38464
individual's residence; to the temporary storage of solid wastes,	38465
other than scrap tires, prior to their collection for disposal; to	38466
the storage of one hundred or fewer scrap tires unless they are	38467
stored in such a manner that, in the judgment of the director or	38468
the board of health of the health district in which the scrap	38469
tires are stored, the storage causes a nuisance, a hazard to	38470
public health or safety, or a fire hazard; or to the collection of	38471
solid wastes, other than scrap tires, by a political subdivision	38472
or a person holding a franchise or license from a political	38473
subdivision of the state; to composting, as defined in section	38474
1511.01 of the Revised Code, conducted in accordance with section	38475
1511.022 of the Revised Code; or to any person who is licensed to	38476
transport raw rendering material to a compost facility pursuant to	38477
section 953.23 of the Revised Code.	38478
(E)(1) As used in this division and section 3734.18 of the	38479
Revised Code:	38480
(a) "On-site facility" means a facility that stores, treats,	38481
or disposes of hazardous waste that is generated on the premises	38482
of the facility.	38483

(b) "Off-site facility" means a facility that stores, treats, 38484
or disposes of hazardous waste that is generated off the premises 38485
of the facility and includes such a facility that is also an 38486
on-site facility. 38487

(c) "Satellite facility" means any of the following: 38488

(i) An on-site facility that also receives hazardous waste 38489
from other premises owned by the same person who generates the 38490
waste on the facility premises; 38491

(ii) An off-site facility operated so that all of the 38492
hazardous waste it receives is generated on one or more premises 38493
owned by the person who owns the facility; 38494

(iii) An on-site facility that also receives hazardous waste 38495
that is transported uninterruptedly and directly to the facility 38496
through a pipeline from a generator who is not the owner of the 38497
facility. 38498

(2) Except as provided in division (E)(3) of this section, no 38499
person shall establish or operate a hazardous waste facility, or 38500
use a solid waste facility for the storage, treatment, or disposal 38501
of any hazardous waste, without a hazardous waste facility 38502
installation and operation permit ~~from the hazardous waste~~ 38503
~~facility board~~ issued in accordance with section 3734.05 of the 38504
Revised Code and subject to the payment of an application fee not 38505
to exceed one thousand five hundred dollars, payable upon 38506
application for a hazardous waste facility installation and 38507
operation permit and upon application for a renewal permit issued 38508
under division (H) of section 3734.05 of the Revised Code, to be 38509
credited to the hazardous waste facility management fund created 38510
in section 3734.18 of the Revised Code. The term of a hazardous 38511
waste facility installation and operation permit shall not exceed 38512
five years. 38513

In addition to the application fee, there is hereby levied an 38514

annual permit fee to be paid by the permit holder upon the			38515
anniversaries of the date of issuance of the hazardous waste			38516
facility installation and operation permit and of any subsequent			38517
renewal permits and to be credited to the hazardous waste facility			38518
management fund. Annual permit fees totaling forty thousand			38519
dollars or more for any one facility may be paid on a quarterly			38520
basis with the first quarterly payment each year being due on the			38521
anniversary of the date of issuance of the hazardous waste			38522
facility installation and operation permit and of any subsequent			38523
renewal permits. The annual permit fee shall be determined for			38524
each permit holder by the director in accordance with the			38525
following schedule:			38526
TYPE OF BASIC			38527
MANAGEMENT UNIT	TYPE OF FACILITY	FEE	38528
Storage facility using:			38529
Containers	On-site, off-site, and		38530
	satellite	\$ 500	38531
Tanks	On-site, off-site, and		38532
	satellite	500	38533
Waste pile	On-site, off-site, and		38534
	satellite	3,000	38535
Surface impoundment	On-site and satellite	8,000	38536
	Off-site	10,000	38537
Disposal facility using:			38538
Deep well injection	On-site and satellite	15,000	38539
	Off-site	25,000	38540
Landfill	On-site and satellite	25,000	38541
	Off-site	40,000	38542
Land application	On-site and satellite	2,500	38543
	Off-site	5,000	38544
Surface impoundment	On-site and satellite	10,000	38545
	Off-site	20,000	38546
Treatment facility using:			38547

Tanks	On-site, off-site, and		38548
	satellite	700	38549
Surface impoundment	On-site and satellite	8,000	38550
	Off-site	10,000	38551
Incinerator	On-site and satellite	5,000	38552
	Off-site	<u>10,000</u>	38553
Other forms			38554
of treatment	On-site, off-site, and		38555
	satellite	1,000	38556

In determining the annual permit fee required by this section, the director shall not require additional payments for multiple units of the same method of storage, treatment, or disposal or for individual units that are used for both storage and treatment. A facility using more than one method of storage, treatment, or disposal shall pay the permit fee indicated by the schedule for each such method.

The director shall not require the payment of that portion of an annual permit fee of any permit holder that would apply to a hazardous waste management unit for which a permit has been issued, but for which construction has not yet commenced. Once construction has commenced, the director shall require the payment of a part of the appropriate fee indicated by the schedule that bears the same relationship to the total fee that the number of days remaining until the next anniversary date at which payment of the annual permit fee is due bears to three hundred sixty-five.

The director, by rules adopted in accordance with Chapters 119. and 3745. of the Revised Code, shall prescribe procedures for collecting the annual permit fee established by this division and may prescribe other requirements necessary to carry out this division.

(3) The prohibition against establishing or operating a hazardous waste facility without a hazardous waste facility

installation and operation permit ~~from the board~~ does not apply to 38580
either of the following: 38581

(a) A facility that is operating in accordance with a permit 38582
renewal issued under division (H) of section 3734.05 of the 38583
Revised Code, a revision issued under division (I) of that section 38584
as it existed prior to August 20, 1996, or a modification issued 38585
by the director under division (I) of that section on and after 38586
August 20, 1996; 38587

(b) Except as provided in division (J) of section 3734.05 of 38588
the Revised Code, a facility that will operate or is operating in 38589
accordance with a permit by rule, or that is not subject to permit 38590
requirements, under rules adopted by the director. In accordance 38591
with Chapter 119. of the Revised Code, the director shall adopt, 38592
and subsequently may amend, suspend, or rescind, rules for the 38593
purposes of division (E)(3)(b) of this section. Any rules so 38594
adopted shall be consistent with and equivalent to regulations 38595
pertaining to interim status adopted under the "Resource 38596
Conservation and Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 38597
6921, as amended, except as otherwise provided in this chapter. 38598

If a modification is requested or proposed for a facility 38599
described in division (E)(3)(a) or (b) of this section, division 38600
(I)~~(8)~~(7) of section 3734.05 of the Revised Code applies. 38601

(F) No person shall store, treat, or dispose of hazardous 38602
waste identified or listed under this chapter and rules adopted 38603
under it, regardless of whether generated on or off the premises 38604
where the waste is stored, treated, or disposed of, or transport 38605
or cause to be transported any hazardous waste identified or 38606
listed under this chapter and rules adopted under it to any other 38607
premises, except at or to any of the following: 38608

(1) A hazardous waste facility operating under a permit 38609
issued in accordance with this chapter; 38610

(2) A facility in another state operating under a license or permit issued in accordance with the "Resource Conservation and Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 6921, as amended;

(3) A facility in another nation operating in accordance with the laws of that nation;

(4) A facility holding a permit issued pursuant to Title I of the "Marine Protection, Research, and Sanctuaries Act of 1972," 86 Stat. 1052, 33 U.S.C.A. 1401, as amended;

(5) A hazardous waste facility as described in division (E)(3)(a) or (b) of this section.

(G) The director, by order, may exempt any person generating, collecting, storing, treating, disposing of, or transporting solid wastes or hazardous waste, or processing solid wastes that consist of scrap tires, in such quantities or under such circumstances that, in the determination of the director, are unlikely to adversely affect the public health or safety or the environment from any requirement to obtain a registration certificate, permit, or license or comply with the manifest system or other requirements of this chapter. Such an exemption shall be consistent with and equivalent to any regulations adopted by the administrator of the United States environmental protection agency under the "Resource Conservation and Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 6921, as amended, except as otherwise provided in this chapter.

(H) No person shall engage in filling, grading, excavating, building, drilling, or mining on land where a hazardous waste facility, or a solid waste facility, was operated without prior authorization from the director, who shall establish the procedure for granting such authorization by rules adopted in accordance with Chapter 119. of the Revised Code.

A public utility that has main or distribution lines above or 38642
below the land surface located on an easement or right-of-way 38643
across land where a solid waste facility was operated may engage 38644
in any such activity within the easement or right-of-way without 38645
prior authorization from the director for purposes of performing 38646
emergency repair or emergency replacement of its lines; of the 38647
poles, towers, foundations, or other structures supporting or 38648
sustaining any such lines; or of the appurtenances to those 38649
structures, necessary to restore or maintain existing public 38650
utility service. A public utility may enter upon any such easement 38651
or right-of-way without prior authorization from the director for 38652
purposes of performing necessary or routine maintenance of those 38653
portions of its existing lines; of the existing poles, towers, 38654
foundations, or other structures sustaining or supporting its 38655
lines; or of the appurtenances to any such supporting or 38656
sustaining structure, located on or above the land surface on any 38657
such easement or right-of-way. Within twenty-four hours after 38658
commencing any such emergency repair, replacement, or maintenance 38659
work, the public utility shall notify the director or the 38660
director's authorized representative of those activities and shall 38661
provide such information regarding those activities as the 38662
director or the director's representative may request. Upon 38663
completion of the emergency repair, replacement, or maintenance 38664
activities, the public utility shall restore any land of the solid 38665
waste facility disturbed by those activities to the condition 38666
existing prior to the commencement of those activities. 38667

(I) No owner or operator of a hazardous waste facility, in 38668
the operation of the facility, shall cause, permit, or allow the 38669
emission therefrom of any particulate matter, dust, fumes, gas, 38670
mist, smoke, vapor, or odorous substance that, in the opinion of 38671
the director, unreasonably interferes with the comfortable 38672
enjoyment of life or property by persons living or working in the 38673

vicinity of the facility, or that is injurious to public health. 38674
Any such action is hereby declared to be a public nuisance. 38675

(J) Notwithstanding any other provision of this chapter, in 38676
the event the director finds an imminent and substantial danger to 38677
public health or safety or the environment that creates an 38678
emergency situation requiring the immediate treatment, storage, or 38679
disposal of hazardous waste, the director may issue a temporary 38680
emergency permit to allow the treatment, storage, or disposal of 38681
the hazardous waste at a facility that is not otherwise authorized 38682
by a hazardous waste facility installation and operation permit to 38683
treat, store, or dispose of the waste. The emergency permit shall 38684
not exceed ninety days in duration and shall not be renewed. The 38685
director shall adopt, and may amend, suspend, or rescind, rules in 38686
accordance with Chapter 119. of the Revised Code governing the 38687
issuance, modification, revocation, and denial of emergency 38688
permits. 38689

(K) No owner or operator of a sanitary landfill shall 38690
knowingly accept for disposal, or dispose of, any infectious 38691
wastes, other than those subject to division (A)(1)(c) of section 38692
3734.021 of the Revised Code, that have not been treated to render 38693
them noninfectious. For the purposes of this division, 38694
certification by the owner or operator of the treatment facility 38695
where the wastes were treated on the shipping paper required by 38696
rules adopted under division (D)(2) of that section creates a 38697
rebuttable presumption that the wastes have been so treated. 38698

(L) The director, in accordance with Chapter 119. of the 38699
Revised Code, shall adopt, and may amend, suspend, or rescind, 38700
rules having uniform application throughout the state establishing 38701
a training and certification program that shall be required for 38702
employees of boards of health who are responsible for enforcing 38703
the solid waste and infectious waste provisions of this chapter 38704
and rules adopted under them and for persons who are responsible 38705

for the operation of solid waste facilities or infectious waste 38706
treatment facilities. The rules shall provide all of the 38707
following, without limitation: 38708

(1) The program shall be administered by the director and 38709
shall consist of a course on new solid waste and infectious waste 38710
technologies, enforcement procedures, and rules; 38711

(2) The course shall be offered on an annual basis; 38712

(3) Those persons who are required to take the course under 38713
division (L) of this section shall do so triennially; 38714

(4) Persons who successfully complete the course shall be 38715
certified by the director; 38716

(5) Certification shall be required for all employees of 38717
boards of health who are responsible for enforcing the solid waste 38718
or infectious waste provisions of this chapter and rules adopted 38719
under them and for all persons who are responsible for the 38720
operation of solid waste facilities or infectious waste treatment 38721
facilities; 38722

(6)(a) All employees of a board of health who, on the 38723
effective date of the rules adopted under this division, are 38724
responsible for enforcing the solid waste or infectious waste 38725
provisions of this chapter and the rules adopted under them shall 38726
complete the course and be certified by the director not later 38727
than January 1, 1995; 38728

(b) All employees of a board of health who, after the 38729
effective date of the rules adopted under division (L) of this 38730
section, become responsible for enforcing the solid waste or 38731
infectious waste provisions of this chapter and rules adopted 38732
under them and who do not hold a current and valid certification 38733
from the director at that time shall complete the course and be 38734
certified by the director within two years after becoming 38735
responsible for performing those activities. 38736

No person shall fail to obtain the certification required 38737
under this division. 38738

(M) The director shall not issue a permit under section 38739
3734.05 of the Revised Code to establish a solid waste facility, 38740
or to modify a solid waste facility operating on December 21, 38741
1988, in a manner that expands the disposal capacity or geographic 38742
area covered by the facility, that is or is to be located within 38743
the boundaries of a state park established or dedicated under 38744
Chapter 1541. of the Revised Code, a state park purchase area 38745
established under section 1541.02 of the Revised Code, any unit of 38746
the national park system, or any property that lies within the 38747
boundaries of a national park or recreation area, but that has not 38748
been acquired or is not administered by the secretary of the 38749
United States department of the interior, located in this state, 38750
or any candidate area located in this state and identified for 38751
potential inclusion in the national park system in the edition of 38752
the "national park system plan" submitted under paragraph (b) of 38753
section 8 of "The Act of August 18, 1970," 84 Stat. 825, 16 38754
U.S.C.A. 1a-5, as amended, current at the time of filing of the 38755
application for the permit, unless the facility or proposed 38756
facility is or is to be used exclusively for the disposal of solid 38757
wastes generated within the park or recreation area and the 38758
director determines that the facility or proposed facility will 38759
not degrade any of the natural or cultural resources of the park 38760
or recreation area. The director shall not issue a variance under 38761
division (A) of this section and rules adopted under it, or issue 38762
an exemption order under division (G) of this section, that would 38763
authorize any such establishment or expansion of a solid waste 38764
facility within the boundaries of any such park or recreation 38765
area, state park purchase area, or candidate area, other than a 38766
solid waste facility exclusively for the disposal of solid wastes 38767
generated within the park or recreation area when the director 38768

determines that the facility will not degrade any of the natural 38769
or cultural resources of the park or recreation area. 38770

(N)(1) The rules adopted under division (A) of this section, 38771
other than those governing variances, do not apply to scrap tire 38772
collection, storage, monocell, monofill, and recovery facilities. 38773
Those facilities are subject to and governed by rules adopted 38774
under sections 3734.70 to 3734.73 of the Revised Code, as 38775
applicable. 38776

(2) Division (C) of this section does not apply to scrap tire 38777
collection, storage, monocell, monofill, and recovery facilities. 38778
The establishment and modification of those facilities are subject 38779
to sections 3734.75 to 3734.78 and section 3734.81 of the Revised 38780
Code, as applicable. 38781

(3) The director may adopt, amend, suspend, or rescind rules 38782
under division (A) of this section creating an alternative system 38783
for authorizing the establishment, operation, or modification of a 38784
solid waste compost facility in lieu of the requirement that a 38785
person seeking to establish, operate, or modify a solid waste 38786
compost facility apply for and receive a permit under division (C) 38787
of this section and section 3734.05 of the Revised Code and a 38788
license under division (A)(1) of that section. The rules may 38789
include requirements governing, without limitation, the 38790
classification of solid waste compost facilities, the submittal of 38791
operating records for solid waste compost facilities, and the 38792
creation of a registration or notification system in lieu of the 38793
issuance of permits and licenses for solid waste compost 38794
facilities. The rules shall specify the applicability of divisions 38795
(A)(1), (2)(a), (3), and (4) of section 3734.05 of the Revised 38796
Code to a solid waste compost facility. 38797

Sec. 3734.05. (A)(1) Except as provided in divisions (A)(4), 38798
(8), and (9) of this section, no person shall operate or maintain 38799

a solid waste facility without a license issued under this 38800
division by the board of health of the health district in which 38801
the facility is located or by the director of environmental 38802
protection when the health district in which the facility is 38803
located is not on the approved list under section 3734.08 of the 38804
Revised Code. 38805

During the month of December, but before the first day of 38806
January of the next year, every person proposing to continue to 38807
operate an existing solid waste facility shall procure a license 38808
under this division to operate the facility for that year from the 38809
board of health of the health district in which the facility is 38810
located or, if the health district is not on the approved list 38811
under section 3734.08 of the Revised Code, from the director. The 38812
application for such a license shall be submitted to the board of 38813
health or to the director, as appropriate, on or before the last 38814
day of September of the year preceding that for which the license 38815
is sought. In addition to the application fee prescribed in 38816
division (A)(2) of this section, a person who submits an 38817
application after that date shall pay an additional ten per cent 38818
of the amount of the application fee for each week that the 38819
application is late. Late payment fees accompanying an application 38820
submitted to the board of health shall be credited to the special 38821
fund of the health district created in division (B) of section 38822
3734.06 of the Revised Code, and late payment fees accompanying an 38823
application submitted to the director shall be credited to the 38824
general revenue fund. A person who has received a license, upon 38825
sale or disposition of a solid waste facility, and upon consent of 38826
the board of health and the director, may have the license 38827
transferred to another person. The board of health or the director 38828
may include such terms and conditions in a license or revision to 38829
a license as are appropriate to ensure compliance with this 38830
chapter and rules adopted under it. The terms and conditions may 38831
establish the authorized maximum daily waste receipts for the 38832

facility. Limitations on maximum daily waste receipts shall be 38833
specified in cubic yards of volume for the purpose of regulating 38834
the design, construction, and operation of solid waste facilities. 38835
Terms and conditions included in a license or revision to a 38836
license by a board of health shall be consistent with, and pertain 38837
only to the subjects addressed in, the rules adopted under 38838
division (A) of section 3734.02 and division (D) of section 38839
3734.12 of the Revised Code. 38840

(2)(a) Except as provided in divisions (A)(2)(b), (8), and 38841
(9) of this section, each person proposing to open a new solid 38842
waste facility or to modify an existing solid waste facility shall 38843
submit an application for a permit with accompanying detail plans 38844
and specifications to the environmental protection agency for 38845
required approval under the rules adopted by the director pursuant 38846
to division (A) of section 3734.02 of the Revised Code and 38847
applicable rules adopted under division (D) of section 3734.12 of 38848
the Revised Code at least two hundred seventy days before proposed 38849
operation of the facility and shall concurrently make application 38850
for the issuance of a license under division (A)(1) of this 38851
section with the board of health of the health district in which 38852
the proposed facility is to be located. 38853

(b) On and after the effective date of the rules adopted 38854
under division (A) of section 3734.02 of the Revised Code and 38855
division (D) of section 3734.12 of the Revised Code governing 38856
solid waste transfer facilities, each person proposing to open a 38857
new solid waste transfer facility or to modify an existing solid 38858
waste transfer facility shall submit an application for a permit 38859
with accompanying engineering detail plans, specifications, and 38860
information regarding the facility and its method of operation to 38861
the environmental protection agency for required approval under 38862
those rules at least two hundred seventy days before commencing 38863
proposed operation of the facility and concurrently shall make 38864

application for the issuance of a license under division (A)(1) of 38865
this section with the board of health of the health district in 38866
which the facility is located or proposed. 38867

(c) Each application for a permit under division (A)(2)(a) or 38868
(b) of this section shall be accompanied by a nonrefundable 38869
application fee of four hundred dollars that shall be credited to 38870
the general revenue fund. Each application for an annual license 38871
under division (A)(1) or (2) of this section shall be accompanied 38872
by a nonrefundable application fee of one hundred dollars. If the 38873
application for an annual license is submitted to a board of 38874
health on the approved list under section 3734.08 of the Revised 38875
Code, the application fee shall be credited to the special fund of 38876
the health district created in division (B) of section 3734.06 of 38877
the Revised Code. If the application for an annual license is 38878
submitted to the director, the application fee shall be credited 38879
to the general revenue fund. If a permit or license is issued, the 38880
amount of the application fee paid shall be deducted from the 38881
amount of the permit fee due under division (Q) of section 3745.11 38882
of the Revised Code or the amount of the license fee due under 38883
division (A)(1), (2), (3), or (4) of section 3734.06 of the 38884
Revised Code. 38885

(d) As used in divisions (A)(2)(d), (e), and (f) of this 38886
section, "modify" means any of the following: 38887

(i) Any increase of more than ten per cent in the total 38888
capacity of a solid waste facility; 38889

(ii) Any expansion of the limits of solid waste placement at 38890
a solid waste facility; 38891

(iii) Any increase in the depth of excavation at a solid 38892
waste facility; 38893

(iv) Any change in the technique of waste receipt or type of 38894
waste received at a solid waste facility that may endanger human 38895

health, as determined by the director by rules adopted in 38896
accordance with Chapter 119. of the Revised Code. 38897

Not later than thirty-five days after submitting an 38898
application under division (A)(2)(a) or (b) of this section for a 38899
permit to open a new or modify an existing solid waste facility, 38900
the applicant, in conjunction with an officer or employee of the 38901
environmental protection agency, shall hold a public meeting on 38902
the application within the county in which the new or modified 38903
solid waste facility is or is proposed to be located or within a 38904
contiguous county. Not less than thirty days before holding the 38905
public meeting on the application, the applicant shall publish 38906
notice of the meeting in each newspaper of general circulation 38907
that is published in the county in which the facility is or is 38908
proposed to be located. If no newspaper of general circulation is 38909
published in the county, the applicant shall publish the notice in 38910
a newspaper of general circulation in the county. The notice shall 38911
contain the date, time, and location of the public meeting and a 38912
general description of the proposed new or modified facility. Not 38913
later than five days after publishing the notice, the applicant 38914
shall send by certified mail a copy of the notice and the date the 38915
notice was published to the director and the legislative authority 38916
of each municipal corporation, township, and county, and to the 38917
chief executive officer of each municipal corporation, in which 38918
the facility is or is proposed to be located. At the public 38919
meeting, the applicant shall provide information and describe the 38920
application and respond to comments or questions concerning the 38921
application, and the officer or employee of the agency shall 38922
describe the permit application process. At the public meeting, 38923
any person may submit written or oral comments on or objections to 38924
the application. Not more than thirty days after the public 38925
meeting, the applicant shall provide the director with a copy of a 38926
transcript of the full meeting, copies of any exhibits, displays, 38927
or other materials presented by the applicant at the meeting, and 38928

the original copy of any written comments submitted at the 38929
meeting. 38930

(e) Except as provided in division (A)(2)(f) of this section, 38931
prior to taking an action, other than a proposed or final denial, 38932
upon an application submitted under division (A)(2)(a) of this 38933
section for a permit to open a new or modify an existing solid 38934
waste facility, the director shall hold a public information 38935
session and a public hearing on the application within the county 38936
in which the new or modified solid waste facility is or is 38937
proposed to be located or within a contiguous county. If the 38938
application is for a permit to open a new solid waste facility, 38939
the director shall hold the hearing not less than fourteen days 38940
after the information session. If the application is for a permit 38941
to modify an existing solid waste facility, the director may hold 38942
both the information session and the hearing on the same day 38943
unless any individual affected by the application requests in 38944
writing that the information session and the hearing not be held 38945
on the same day, in which case the director shall hold the hearing 38946
not less than fourteen days after the information session. The 38947
director shall publish notice of the public information session or 38948
public hearing not less than thirty days before holding the 38949
information session or hearing, as applicable. The notice shall be 38950
published in each newspaper of general circulation that is 38951
published in the county in which the facility is or is proposed to 38952
be located. If no newspaper of general circulation is published in 38953
the county, the director shall publish the notice in a newspaper 38954
of general circulation in the county. The notice shall contain the 38955
date, time, and location of the information session or hearing, as 38956
applicable, and a general description of the proposed new or 38957
modified facility. At the public information session, an officer 38958
or employee of the environmental protection agency shall describe 38959
the status of the permit application and be available to respond 38960
to comments or questions concerning the application. At the public 38961

hearing, any person may submit written or oral comments on or 38962
objections to the approval of the application. The applicant, or a 38963
representative of the applicant who has knowledge of the location, 38964
construction, and operation of the facility, shall attend the 38965
information session and public hearing to respond to comments or 38966
questions concerning the facility directed to the applicant or 38967
representative by the officer or employee of the environmental 38968
protection agency presiding at the information session and 38969
hearing. 38970

(f) The solid waste management policy committee of a county 38971
or joint solid waste management district may adopt a resolution 38972
requesting expeditious consideration of a specific application 38973
submitted under division (A)(2)(a) of this section for a permit to 38974
modify an existing solid waste facility within the district. The 38975
resolution shall make the finding that expedited consideration of 38976
the application without the public information session and public 38977
hearing under division (A)(2)(e) of this section is in the public 38978
interest and will not endanger human health, as determined by the 38979
director by rules adopted in accordance with Chapter 119. of the 38980
Revised Code. Upon receiving such a resolution, the director, at 38981
the director's discretion, may issue a final action upon the 38982
application without holding a public information session or public 38983
hearing pursuant to division (A)(2)(e) of this section. 38984

(3) Except as provided in division (A)(10) of this section, 38985
and unless the owner or operator of any solid waste facility, 38986
other than a solid waste transfer facility or a compost facility 38987
that accepts exclusively source separated yard wastes, that 38988
commenced operation on or before July 1, 1968, has obtained an 38989
exemption from the requirements of division (A)(3) of this section 38990
in accordance with division (G) of section 3734.02 of the Revised 38991
Code, the owner or operator shall submit to the director an 38992
application for a permit with accompanying engineering detail 38993

plans, specifications, and information regarding the facility and 38994
its method of operation for approval under rules adopted under 38995
division (A) of section 3734.02 of the Revised Code and applicable 38996
rules adopted under division (D) of section 3734.12 of the Revised 38997
Code in accordance with the following schedule: 38998

(a) Not later than September 24, 1988, if the facility is 38999
located in the city of Garfield Heights or Parma in Cuyahoga 39000
county; 39001

(b) Not later than December 24, 1988, if the facility is 39002
located in Delaware, Greene, Guernsey, Hamilton, Madison, 39003
Mahoning, Ottawa, or Vinton county; 39004

(c) Not later than March 24, 1989, if the facility is located 39005
in Champaign, Clinton, Columbiana, Huron, Paulding, Stark, or 39006
Washington county, or is located in the city of Brooklyn or 39007
Cuyahoga Heights in Cuyahoga county; 39008

(d) Not later than June 24, 1989, if the facility is located 39009
in Adams, Auglaize, Coshocton, Darke, Harrison, Lorain, Lucas, or 39010
Summit county or is located in Cuyahoga county outside the cities 39011
of Garfield Heights, Parma, Brooklyn, and Cuyahoga Heights; 39012

(e) Not later than September 24, 1989, if the facility is 39013
located in Butler, Carroll, Erie, Lake, Portage, Putnam, or Ross 39014
county; 39015

(f) Not later than December 24, 1989, if the facility is 39016
located in a county not listed in divisions (A)(3)(a) to (e) of 39017
this section; 39018

(g) Notwithstanding divisions (A)(3)(a) to (f) of this 39019
section, not later than December 31, 1990, if the facility is a 39020
solid waste facility owned by a generator of solid wastes when the 39021
solid waste facility exclusively disposes of solid wastes 39022
generated at one or more premises owned by the generator 39023
regardless of whether the facility is located on a premises where 39024

the wastes are generated and if the facility disposes of more than 39025
one hundred thousand tons of solid wastes per year, provided that 39026
any such facility shall be subject to division (A)(5) of this 39027
section. 39028

(4) Except as provided in divisions (A)(8), (9), and (10) of 39029
this section, unless the owner or operator of any solid waste 39030
facility for which a permit was issued after July 1, 1968, but 39031
before January 1, 1980, has obtained an exemption from the 39032
requirements of division (A)(4) of this section under division (G) 39033
of section 3734.02 of the Revised Code, the owner or operator 39034
shall submit to the director an application for a permit with 39035
accompanying engineering detail plans, specifications, and 39036
information regarding the facility and its method of operation for 39037
approval under those rules. 39038

(5) The director may issue an order in accordance with 39039
Chapter 3745. of the Revised Code to the owner or operator of a 39040
solid waste facility requiring the person to submit to the 39041
director updated engineering detail plans, specifications, and 39042
information regarding the facility and its method of operation for 39043
approval under rules adopted under division (A) of section 3734.02 39044
of the Revised Code and applicable rules adopted under division 39045
(D) of section 3734.12 of the Revised Code if, in the director's 39046
judgment, conditions at the facility constitute a substantial 39047
threat to public health or safety or are causing or contributing 39048
to or threatening to cause or contribute to air or water pollution 39049
or soil contamination. Any person who receives such an order shall 39050
submit the updated engineering detail plans, specifications, and 39051
information to the director within one hundred eighty days after 39052
the effective date of the order. 39053

(6) The director shall act upon an application submitted 39054
under division (A)(3) or (4) of this section and any updated 39055
engineering plans, specifications, and information submitted under 39056

division (A)(5) of this section within one hundred eighty days 39057
after receiving them. If the director denies any such permit 39058
application, the order denying the application or disapproving the 39059
plans shall include the requirements that the owner or operator 39060
submit a plan for closure and post-closure care of the facility to 39061
the director for approval within six months after issuance of the 39062
order, cease accepting solid wastes for disposal or transfer at 39063
the facility, and commence closure of the facility not later than 39064
one year after issuance of the order. If the director determines 39065
that closure of the facility within that one-year period would 39066
result in the unavailability of sufficient solid waste management 39067
facility capacity within the county or joint solid waste 39068
management district in which the facility is located to dispose of 39069
or transfer the solid waste generated within the district, the 39070
director in the order of denial or disapproval may postpone 39071
commencement of closure of the facility for such period of time as 39072
the director finds necessary for the board of county commissioners 39073
or directors of the district to secure access to or for there to 39074
be constructed within the district sufficient solid waste 39075
management facility capacity to meet the needs of the district, 39076
provided that the director shall certify in the director's order 39077
that postponing the date for commencement of closure will not 39078
endanger ground water or any property surrounding the facility, 39079
allow methane gas migration to occur, or cause or contribute to 39080
any other type of environmental damage. 39081

If an emergency need for disposal capacity that may affect 39082
public health and safety exists as a result of closure of a 39083
facility under division (A)(6) of this section, the director may 39084
issue an order designating another solid waste facility to accept 39085
the wastes that would have been disposed of at the facility to be 39086
closed. 39087

(7) If the director determines that standards more stringent 39088

than those applicable in rules adopted under division (A) of 39089
section 3734.02 of the Revised Code and division (D) of section 39090
3734.12 of the Revised Code, or standards pertaining to subjects 39091
not specifically addressed by those rules, are necessary to ensure 39092
that a solid waste facility constructed at the proposed location 39093
will not cause a nuisance, cause or contribute to water pollution, 39094
or endanger public health or safety, the director may issue a 39095
permit for the facility with such terms and conditions as the 39096
director finds necessary to protect public health and safety and 39097
the environment. If a permit is issued, the director shall state 39098
in the order issuing it the specific findings supporting each such 39099
term or condition. 39100

(8) Divisions (A)(1), (2)(a), (3), and (4) of this section do 39101
not apply to a solid waste compost facility that accepts 39102
exclusively source separated yard wastes and that is registered 39103
under division (C) of section 3734.02 of the Revised Code or, 39104
unless otherwise provided in rules adopted under division (N)(3) 39105
of section 3734.02 of the Revised Code, to a solid waste compost 39106
facility if the director has adopted rules establishing an 39107
alternative system for authorizing the establishment, operation, 39108
or modification of a solid waste compost facility under that 39109
division. 39110

(9) Divisions (A)(1) to (7) of this section do not apply to 39111
scrap tire collection, storage, monocell, monofill, and recovery 39112
facilities. The approval of plans and specifications, as 39113
applicable, and the issuance of registration certificates, 39114
permits, and licenses for those facilities are subject to sections 39115
3734.75 to 3734.78 of the Revised Code, as applicable, and section 39116
3734.81 of the Revised Code. 39117

(10) Divisions (A)(3) and (4) of this section do not apply to 39118
a solid waste incinerator that was placed into operation on or 39119
before October 12, 1994, and that is not authorized to accept and 39120

treat infectious wastes pursuant to division (B) of this section. 39121

(B)(1) Each person who is engaged in the business of treating 39122
infectious wastes for profit at a treatment facility located off 39123
the premises where the wastes are generated that is in operation 39124
on August 10, 1988, and who proposes to continue operating the 39125
facility shall submit to the board of health of the health 39126
district in which the facility is located an application for a 39127
license to operate the facility. 39128

Thereafter, no person shall operate or maintain an infectious 39129
waste treatment facility without a license issued by the board of 39130
health of the health district in which the facility is located or 39131
by the director when the health district in which the facility is 39132
located is not on the approved list under section 3734.08 of the 39133
Revised Code. 39134

(2)(a) During the month of December, but before the first day 39135
of January of the next year, every person proposing to continue to 39136
operate an existing infectious waste treatment facility shall 39137
procure a license to operate the facility for that year from the 39138
board of health of the health district in which the facility is 39139
located or, if the health district is not on the approved list 39140
under section 3734.08 of the Revised Code, from the director. The 39141
application for such a license shall be submitted to the board of 39142
health or to the director, as appropriate, on or before the last 39143
day of September of the year preceding that for which the license 39144
is sought. In addition to the application fee prescribed in 39145
division (B)(2)(c) of this section, a person who submits an 39146
application after that date shall pay an additional ten per cent 39147
of the amount of the application fee for each week that the 39148
application is late. Late payment fees accompanying an application 39149
submitted to the board of health shall be credited to the special 39150
infectious waste fund of the health district created in division 39151
(C) of section 3734.06 of the Revised Code, and late payment fees 39152

accompanying an application submitted to the director shall be 39153
credited to the general revenue fund. A person who has received a 39154
license, upon sale or disposition of an infectious waste treatment 39155
facility and upon consent of the board of health and the director, 39156
may have the license transferred to another person. The board of 39157
health or the director may include such terms and conditions in a 39158
license or revision to a license as are appropriate to ensure 39159
compliance with the infectious waste provisions of this chapter 39160
and rules adopted under them. 39161

(b) Each person proposing to open a new infectious waste 39162
treatment facility or to modify an existing infectious waste 39163
treatment facility shall submit an application for a permit with 39164
accompanying detail plans and specifications to the environmental 39165
protection agency for required approval under the rules adopted by 39166
the director pursuant to section 3734.021 of the Revised Code two 39167
hundred seventy days before proposed operation of the facility and 39168
concurrently shall make application for a license with the board 39169
of health of the health district in which the facility is or is 39170
proposed to be located. Not later than ninety days after receiving 39171
a completed application under division (B)(2)(b) of this section 39172
for a permit to open a new infectious waste treatment facility or 39173
modify an existing infectious waste treatment facility to expand 39174
its treatment capacity, or receiving a completed application under 39175
division (A)(2)(a) of this section for a permit to open a new 39176
solid waste incineration facility, or modify an existing solid 39177
waste incineration facility to also treat infectious wastes or to 39178
increase its infectious waste treatment capacity, that pertains to 39179
a facility for which a notation authorizing infectious waste 39180
treatment is included or proposed to be included in the solid 39181
waste incineration facility's license pursuant to division (B)(3) 39182
of this section, the director shall hold a public hearing on the 39183
application within the county in which the new or modified 39184
infectious waste or solid waste facility is or is proposed to be 39185

located or within a contiguous county. Not less than thirty days 39186
before holding the public hearing on the application, the director 39187
shall publish notice of the hearing in each newspaper that has 39188
general circulation and that is published in the county in which 39189
the facility is or is proposed to be located. If there is no 39190
newspaper that has general circulation and that is published in 39191
the county, the director shall publish the notice in a newspaper 39192
of general circulation in the county. The notice shall contain the 39193
date, time, and location of the public hearing and a general 39194
description of the proposed new or modified facility. At the 39195
public hearing, any person may submit written or oral comments on 39196
or objections to the approval or disapproval of the application. 39197
The applicant, or a representative of the applicant who has 39198
knowledge of the location, construction, and operation of the 39199
facility, shall attend the public hearing to respond to comments 39200
or questions concerning the facility directed to the applicant or 39201
representative by the officer or employee of the environmental 39202
protection agency presiding at the hearing. 39203

(c) Each application for a permit under division (B)(2)(b) of 39204
this section shall be accompanied by a nonrefundable application 39205
fee of four hundred dollars that shall be credited to the general 39206
revenue fund. Each application for an annual license under 39207
division (B)(2)(a) of this section shall be accompanied by a 39208
nonrefundable application fee of one hundred dollars. If the 39209
application for an annual license is submitted to a board of 39210
health on the approved list under section 3734.08 of the Revised 39211
Code, the application fee shall be credited to the special 39212
infectious waste fund of the health district created in division 39213
(C) of section 3734.06 of the Revised Code. If the application for 39214
an annual license is submitted to the director, the application 39215
fee shall be credited to the general revenue fund. If a permit or 39216
license is issued, the amount of the application fee paid shall be 39217
deducted from the amount of the permit fee due under division (Q) 39218

of section 3745.11 of the Revised Code or the amount of the 39219
license fee due under division (C) of section 3734.06 of the 39220
Revised Code. 39221

(d) The owner or operator of any infectious waste treatment 39222
facility that commenced operation on or before July 1, 1968, shall 39223
submit to the director an application for a permit with 39224
accompanying engineering detail plans, specifications, and 39225
information regarding the facility and its method of operation for 39226
approval under rules adopted under section 3734.021 of the Revised 39227
Code in accordance with the following schedule: 39228

(i) Not later than December 24, 1988, if the facility is 39229
located in Delaware, Greene, Guernsey, Hamilton, Madison, 39230
Mahoning, Ottawa, or Vinton county; 39231

(ii) Not later than March 24, 1989, if the facility is 39232
located in Champaign, Clinton, Columbiana, Huron, Paulding, Stark, 39233
or Washington county, or is located in the city of Brooklyn, 39234
Cuyahoga Heights, or Parma in Cuyahoga county; 39235

(iii) Not later than June 24, 1989, if the facility is 39236
located in Adams, Auglaize, Coshocton, Darke, Harrison, Lorain, 39237
Lucas, or Summit county or is located in Cuyahoga county outside 39238
the cities of Brooklyn, Cuyahoga Heights, and Parma; 39239

(iv) Not later than September 24, 1989, if the facility is 39240
located in Butler, Carroll, Erie, Lake, Portage, Putnam, or Ross 39241
county; 39242

(v) Not later than December 24, 1989, if the facility is 39243
located in a county not listed in divisions (B)(2)(d)(i) to (iv) 39244
of this section. 39245

The owner or operator of an infectious waste treatment 39246
facility required to submit a permit application under division 39247
(B)(2)(d) of this section is not required to pay any permit 39248
application fee under division (B)(2)(c) of this section, or 39249

permit fee under division (Q) of section 3745.11 of the Revised Code, with respect thereto unless the owner or operator also proposes to modify the facility.

(e) The director may issue an order in accordance with Chapter 3745. of the Revised Code to the owner or operator of an infectious waste treatment facility requiring the person to submit to the director updated engineering detail plans, specifications, and information regarding the facility and its method of operation for approval under rules adopted under section 3734.021 of the Revised Code if, in the director's judgment, conditions at the facility constitute a substantial threat to public health or safety or are causing or contributing to or threatening to cause or contribute to air or water pollution or soil contamination. Any person who receives such an order shall submit the updated engineering detail plans, specifications, and information to the director within one hundred eighty days after the effective date of the order.

(f) The director shall act upon an application submitted under division (B)(2)(d) of this section and any updated engineering plans, specifications, and information submitted under division (B)(2)(e) of this section within one hundred eighty days after receiving them. If the director denies any such permit application or disapproves any such updated engineering plans, specifications, and information, the director shall include in the order denying the application or disapproving the plans the requirement that the owner or operator cease accepting infectious wastes for treatment at the facility.

(3) Division (B) of this section does not apply to an infectious waste treatment facility that meets any of the following conditions:

(a) Is owned or operated by the generator of the wastes and exclusively treats, by methods, techniques, and practices

established by rules adopted under division (C)(1) or (3) of 39282
section 3734.021 of the Revised Code, wastes that are generated at 39283
any premises owned or operated by that generator regardless of 39284
whether the wastes are generated on the same premises where the 39285
generator's treatment facility is located or, if the generator is 39286
a hospital as defined in section 3727.01 of the Revised Code, 39287
infectious wastes that are described in division (A)(1)(g), (h), 39288
or (i) of section 3734.021 of the Revised Code; 39289

(b) Holds a license or renewal of a license to operate a 39290
crematory facility issued under Chapter 4717. and a permit issued 39291
under Chapter 3704. of the Revised Code; 39292

(c) Treats or disposes of dead animals or parts thereof, or 39293
the blood of animals, and is subject to any of the following: 39294

(i) Inspection under the "Federal Meat Inspection Act," 81 39295
Stat. 584 (1967), 21 U.S.C.A. 603, as amended; 39296

(ii) Chapter 918. of the Revised Code; 39297

(iii) Chapter 953. of the Revised Code. 39298

Nothing in division (B) of this section requires a facility 39299
that holds a license issued under division (A) of this section as 39300
a solid waste facility and that also treats infectious wastes by 39301
the same method, technique, or process to obtain a license under 39302
division (B) of this section as an infectious waste treatment 39303
facility. However, the solid waste facility license for the 39304
facility shall include the notation that the facility also treats 39305
infectious wastes. 39306

On and after the effective date of the amendments to the 39307
rules adopted under division (C)(2) of section 3734.021 of the 39308
Revised Code that are required by Section 6 of Substitute House 39309
Bill No. 98 of the 120th General Assembly, the director shall not 39310
issue a permit to open a new solid waste incineration facility 39311
unless the proposed facility complies with the requirements for 39312

the location of new infectious waste incineration facilities 39313
established in the required amendments to those rules. 39314

(C) Except for a facility or activity described in division 39315
(E)(3) of section 3734.02 of the Revised Code, a person who 39316
proposes to establish or operate a hazardous waste facility shall 39317
submit ~~an~~ a complete application for a hazardous waste facility 39318
installation and operation permit and accompanying detail plans, 39319
specifications, and such information as the director may require 39320
to the environmental protection agency, ~~except as provided in~~ 39321
~~division (E)(2) of this section,~~ at least one hundred eighty days 39322
before the proposed beginning of operation of the facility. The 39323
applicant shall notify by certified mail the legislative authority 39324
of each municipal corporation, township, and county in which the 39325
facility is proposed to be located of the submission of the 39326
application within ten days after the submission or at such 39327
earlier time as the director may establish by rule. If the 39328
application is for a proposed new hazardous waste disposal or 39329
thermal treatment facility, the applicant also shall give actual 39330
notice of the general design and purpose of the facility to the 39331
legislative authority of each municipal corporation, township, and 39332
county in which the facility is proposed to be located at least 39333
ninety days before the permit application is submitted to the 39334
environmental protection agency. 39335

In accordance with rules adopted under section 3734.12 of the 39336
Revised Code, prior to the submission of a complete application 39337
for a hazardous waste facility installation and operation permit, 39338
the applicant shall hold at least one meeting in the township or 39339
municipal corporation in which the facility is proposed to be 39340
located, whichever is geographically closer to the proposed 39341
location of the facility. The meeting shall be open to the public 39342
and shall be held to inform the community of the proposed 39343
hazardous waste management activities and to solicit questions 39344

from the community concerning the activities. 39345

~~(D)(1) There is hereby created the hazardous waste facility 39346
board, composed of the director of environmental protection who 39347
shall serve as chairperson, the director of natural resources, and 39348
the chairperson of the Ohio water development authority, or their 39349
respective designees, and one chemical engineer and one geologist 39350
who each shall be employed by a state university as defined in 39351
section 3345.011 of the Revised Code. The chemical engineer and 39352
geologist each shall be appointed by the governor, with the advice 39353
and consent of the senate, for a term of two years. The chemical 39354
engineer and geologist each shall receive as compensation five 39355
thousand dollars per year, plus expenses necessarily incurred in 39356
the performance of their duties.~~ 39357

~~The board shall not issue any final order without the consent 39358
of at least three members.~~ 39359

~~(2) The hazardous waste facility board shall do both of the 39360
following:~~ 39361

~~(a) Pursuant to Chapter 119. of the Revised Code, adopt rules 39362
governing procedure to be followed in hearings before the board;~~ 39363

~~(b) Except as provided in section 3734.123 of the Revised 39364
Code, approve or disapprove applications for a hazardous waste 39365
facility installation and operation permit for new facilities and 39366
applications for modifications to existing permits for which the 39367
board has jurisdiction as provided in division (I)(3) of this 39368
section.~~ 39369

~~(3) Except as provided in section 3734.123 of the Revised 39370
Code, upon receipt of the completed application for a hazardous 39371
waste facility installation and operation permit and a preliminary 39372
determination by the staff of the environmental protection agency 39373
that the application appears to comply with agency rules and to 39374
meet the performance standards set forth in divisions (D), (I), 39375~~

~~and (J) of section 3734.12 of the Revised Code, the director shall 39376
transmit the application to the board, which shall do all of the 39377
following: 39378~~

~~(a) Promptly fix a date for a public hearing on the 39379
application, not fewer than sixty nor more than ninety days after 39380
receipt of the completed application. At the public hearing, any 39381
person may submit written or oral comments or objections to the 39382
approval or disapproval of the application. A representative of 39383
the applicant who has knowledge of the location, construction, 39384
operation, closure, and post closure care, if applicable, of the 39385
facility shall attend the public hearing in order to respond to 39386
comments or questions concerning the facility directed to the 39387
representative by the presiding officer. 39388~~

~~(b) Give public notice of the date of the public hearing and 39389
a summary of the application in a newspaper having general 39390
circulation in the county in which the facility is proposed to be 39391
located. The notice shall contain, at a minimum, the date, time, 39392
and location of the public hearing and shall include the location 39393
and street address of, or the nearest intersection to, the 39394
proposed facility, a description of the proposed facility, and the 39395
location where copies of the application, a short statement by the 39396
applicant of the anticipated environmental impact of the facility, 39397
and a map of the facility are available for inspection. 39398~~

~~(c) Promptly fix a date for an adjudication hearing, not 39399
fewer than ninety nor more than one hundred twenty days after 39400
receipt of the completed application, at which hearing the board 39401
shall hear and decide all disputed issues between the parties 39402
respecting the approval or disapproval of the application. 39403~~

~~(4) The parties to any adjudication hearing before the board 39404
upon a completed application shall be the following: 39405~~

~~(a) The applicant; 39406~~

~~(b) The staff of the environmental protection agency; 39407~~

~~(c) The board of county commissioners of the county, the 39408
board of township trustees of the township, and the chief 39409
executive officer of the municipal corporation in which the 39410
facility is proposed to be located; 39411~~

~~(d) Any other person who would be aggrieved or adversely 39412
affected by the proposed facility and who files a petition to 39413
intervene in the adjudication hearing not later than thirty days 39414
after the date of publication of the notice required in division 39415
(D)(3)(b) of this section if the petition is granted by the board 39416
for good cause shown. The board may allow intervention by other 39417
aggrieved or adversely affected persons up to fifteen days prior 39418
to the date of the adjudication hearing for good cause shown when 39419
the intervention would not be unduly burdensome to or cause a 39420
delay in the permitting process. 39421~~

~~(5) The hazardous waste facility board shall conduct any 39422
adjudication hearing upon disputed issues in accordance with 39423
Chapter 119. of the Revised Code and the rules of the board 39424
governing the procedure of such hearings. Each party may call and 39425
examine witnesses and submit other evidence respecting the 39426
disputed issues presented by an application. A written record 39427
shall be made of the hearing and of all testimony and evidence 39428
submitted to the board upon receipt of a complete application for 39429
a hazardous waste facility installation and operation permit under 39430
division (C) of this section, the director shall consider the 39431
application and accompanying information to determine whether the 39432
application complies with agency rules and the requirements of 39433
division (D)(2) of this section. After making a determination, the 39434
director shall issue either a draft permit or a notice of intent 39435
to deny the permit. The director, in accordance with rules adopted 39436
under section 3734.12 of the Revised Code or with rules adopted to 39437
implement Chapter 3745. of the Revised Code, shall provide public 39438~~

notice of the application and the draft permit or the notice of 39439
intent to deny the permit, provide an opportunity for public 39440
comments, and, if significant interest is shown, schedule a public 39441
meeting in the county in which the facility is proposed to be 39442
located and give public notice of the date, time, and location of 39443
the public meeting in a newspaper of general circulation in that 39444
county. 39445

~~(6)~~(2) The ~~board~~ director shall not approve an application 39446
for a hazardous waste facility installation and operation permit 39447
or an application for a modification under division (I)(3) of this 39448
section unless ~~it~~ the director finds and determines as follows: 39449

(a) The nature and volume of the waste to be treated, stored, 39450
or disposed of at the facility; 39451

(b) That the facility complies with the director's hazardous 39452
waste standards adopted pursuant to section 3734.12 of the Revised 39453
Code; 39454

(c) That the facility represents the minimum adverse 39455
environmental impact, considering the state of available 39456
technology and the nature and economics of various alternatives, 39457
and other pertinent considerations; 39458

(d) That the facility represents the minimum risk of all of 39459
the following: 39460

~~(i) Contamination of ground and surface waters;~~ 39461

~~(ii)~~ Fires or explosions from treatment, storage, or disposal 39462
methods; 39463

~~(iii) Accident~~ (ii) Release of hazardous waste during 39464
transportation of hazardous waste to or from the facility; 39465

~~(iv) Impact~~ (iii) Adverse impact on the public health and 39466
safety; 39467

~~(v) Air pollution;~~ 39468

(vi) ~~Soil contamination.~~ 39469

(e) That the facility will comply with this chapter and 39470
Chapters 3704.~~7~~,~~3734.7~~, and 6111. of the Revised Code and all rules 39471
and standards adopted under ~~those chapters~~ them; 39472

(f) That if the owner of the facility, the operator of the 39473
facility, or any other person in a position with the facility from 39474
which the person may influence the installation and operation of 39475
the facility has been involved in any prior activity involving 39476
transportation, treatment, storage, or disposal of hazardous 39477
waste, that person has a history of compliance with this chapter 39478
and Chapters 3704.~~7~~,~~3734.7~~, and 6111. of the Revised Code and all 39479
rules and standards adopted under ~~those chapters~~ them, the 39480
"Resource Conservation and Recovery Act of 1976," 90 Stat. 2806, 39481
42 U.S.C.A. 6921, as amended, and all regulations adopted under 39482
it, and similar laws and rules of other states if any such prior 39483
operation was located in another state that demonstrates 39484
sufficient reliability, expertise, and competency to operate a 39485
hazardous waste facility under the applicable provisions of this 39486
chapter and Chapters 3704.~~7~~,~~3734.7~~, and 6111. of the Revised Code, 39487
the applicable rules and standards adopted under ~~those chapters~~ 39488
them, and terms and conditions of a hazardous waste facility 39489
installation and operation permit, given the potential for harm to 39490
the public health and safety and the environment that could result 39491
from the irresponsible operation of the facility~~+~~. For off-site 39492
facilities, as defined in section 3734.41 of the Revised Code, the 39493
director may use the investigative reports of the attorney general 39494
prepared pursuant to section 3734.42 of the Revised Code as a 39495
basis for making a finding and determination under division 39496
(D)(2)(f) of this section. 39497

(g) That the active areas within a new hazardous waste 39498
facility where acute hazardous waste as listed in 40 C.F.R. 261.33 39499
(e), as amended, or organic waste that is toxic and is listed 39500

under 40 C.F.R. 261, as amended, is being stored, treated, or 39501
disposed of and where the aggregate of the storage design capacity 39502
and the disposal design capacity of all hazardous waste in those 39503
areas is greater than two hundred fifty thousand gallons, are not 39504
located or operated within any of the following: 39505

(i) Two thousand feet of any residence, school, hospital, 39506
jail, or prison; 39507

(ii) Any naturally occurring wetland; 39508

(iii) Any flood hazard area if the applicant cannot show that 39509
the facility will be designed, constructed, operated, and 39510
maintained to prevent washout by a one-hundred-year flood ~~or that~~ 39511
~~procedures will be in effect to remove the waste before flood~~ 39512
~~waters can reach it.~~ 39513

Division (D)~~(6)~~(2)(g) of this section does not apply to the 39514
facility of any applicant who demonstrates to the ~~board~~ director 39515
that the limitations specified in that division are not necessary 39516
because of the nature or volume of the waste and the manner of 39517
management applied, the facility will impose no substantial danger 39518
to the health and safety of persons occupying the structures 39519
listed in division (D)~~(6)~~(2)(g)(i) of this section, and the 39520
facility is to be located or operated in an area where the 39521
proposed hazardous waste activities will not be incompatible with 39522
existing land uses in the area. 39523

(h) That the facility will not be located within the 39524
boundaries of a state park established or dedicated under Chapter 39525
1541. of the Revised Code, a state park purchase area established 39526
under section 1541.02 of the Revised Code, any unit of the 39527
national park system, or any property that lies within the 39528
boundaries of a national park or recreation area, but that has not 39529
been acquired or is not administered by the secretary of the 39530
United States department of the interior, located in this state, 39531

or any candidate area located in this state identified for 39532
potential inclusion in the national park system in the edition of 39533
the "national park system plan" submitted under paragraph (b) of 39534
section 8 of "The Act of August 18, 1970," 84 Stat. 825, 16 39535
U.S.C.A. 1a-5, as amended, current at the time of filing of the 39536
application for the permit, unless the facility will be used 39537
exclusively for the storage of hazardous waste generated within 39538
the park or recreation area in conjunction with the operation of 39539
the park or recreation area. Division (D)~~(6)~~(2)(h) of this section 39540
does not apply to the facility of any applicant for modification 39541
of a permit unless the modification application proposes to 39542
increase the land area included in the facility or to increase the 39543
quantity of hazardous waste that will be treated, stored, or 39544
disposed of at the facility. 39545

~~In rendering a decision upon an application for a hazardous 39546
waste facility installation and operation permit, the board shall 39547
issue a written order and opinion, which shall include the 39548
specific findings of fact and conclusions of law that support the 39549
board's approval or disapproval of the application. 39550~~

(3) Not later than one hundred eighty days after the end of 39551
the public comment period, the director, without prior hearing, 39552
shall issue or deny the permit in accordance with Chapter 3745. of 39553
the Revised Code. If the ~~board~~ director approves an application 39554
for a hazardous waste facility installation and operation permit, 39555
~~as a part of its written order, it~~ the director shall issue the 39556
permit, upon such terms and conditions as the ~~board~~ director finds 39557
are necessary to ensure the construction and operation of the 39558
hazardous waste facility in accordance with the standards of this 39559
section. 39560

~~(7) Any party adversely affected by an order of the hazardous 39561
waste facility board may appeal the order and decision of the 39562
board to the court of appeals of Franklin county. An appellant 39563~~

~~shall file with the board a notice of appeal, which shall 39564
designate the order appealed from. A copy of the notice also shall 39565
be filed by the appellant with the court, and a copy shall be sent 39566
by certified mail to each party to the adjudication hearing before 39567
the board. Such notices shall be filed and mailed within thirty 39568
days after the date upon which the appellant received notice from 39569
the board by certified mail of the making of the order appealed 39570
from. No appeal bond shall be required to make an appeal 39571
effective. 39572~~

~~The filing of a notice of appeal shall not operate 39573
automatically as a suspension of the order of the board. If it 39574
appears to the court that an unjust hardship to the appellant will 39575
result from the execution of the board's order pending 39576
determination of the appeal, the court may grant a suspension of 39577
the order and fix its terms. 39578~~

~~Within twenty days after receipt of the notice of appeal, the 39579
board shall prepare and file in the court the complete record of 39580
proceedings out of which the appeal arises, including any 39581
transcript of the testimony and any other evidence that has been 39582
submitted before the board. The expense of preparing and 39583
transcribing the record shall be taxed as a part of the costs of 39584
the appeal. The appellant, other than the state or a political 39585
subdivision, an agency of either, or any officer of the appellant 39586
acting in the officer's representative capacity, shall provide 39587
security for costs satisfactory to the court considering the 39588
respective interests of the parties and the public interest. Upon 39589
demand by a party, the board shall furnish, at the cost of the 39590
party requesting it, a copy of the record. If the complete record 39591
is not filed within the time provided for in this section, any 39592
party may apply to the court to have the case docketed, and the 39593
court shall order the record filed. 39594~~

~~In hearing the appeal, the court is confined to the record as 39595~~

~~certified to it by the board. The court may grant a request for 39596
the admission of additional evidence when satisfied that the 39597
additional evidence is newly discovered and could not with 39598
reasonable diligence have been ascertained prior to the hearing 39599
before the board. 39600~~

~~The court shall affirm the order complained of in the appeal 39601
if it finds, upon consideration of the entire record and such 39602
additional evidence as the court has admitted, that the order is 39603
supported by reliable, probative, and substantial evidence and is 39604
in accordance with law. In the absence of such findings, it shall 39605
reverse, vacate, or modify the order or make such other ruling as 39606
is supported by reliable, probative, and substantial evidence and 39607
is in accordance with law. The judgment of the court shall be 39608
final and conclusive unless reversed, vacated, or modified on 39609
appeal. Such appeals may be taken by any party to the appeal 39610
pursuant to the Rules of Practice of the Supreme Court and, to the 39611
extent not in conflict with those rules, Chapter 2505. of the 39612
Revised Code. 39613~~

~~(E)(1) Upon receipt of a completed application, the board 39614
shall issue a hazardous waste facility installation and operation 39615
permit for a hazardous waste facility subject to the requirements 39616
of divisions (D)(6) and (7) of this section and all applicable 39617
federal regulations if the facility for which the permit is 39618
requested satisfies all of the following: 39619~~

~~(a) Was in operation immediately prior to October 9, 1980; 39620~~

~~(b) Was in substantial compliance with applicable statutes 39621
and rules in effect immediately prior to October 9, 1980, as 39622
determined by the director; 39623~~

~~(c) Demonstrates to the board that its operations after 39624
October 9, 1980, comply with applicable performance standards 39625
adopted by the director pursuant to division (D) of section 39626~~

3734.12 of the Revised Code;	39627
(d) Submits a completed application for a permit under	39628
division (C) of this section within six months after October 9,	39629
1980.	39630
The board shall act on the application within twelve months	39631
after October 9, 1980.	39632
(2) A hazardous waste facility that was in operation	39633
immediately prior to October 9, 1980, may continue to operate	39634
after that date if it does all of the following:	39635
(a) Complies with performance standards adopted by the	39636
director pursuant to division (D) of section 3734.12 of the	39637
Revised Code;	39638
(b) Submits a completed application for a hazardous waste	39639
installation and operation permit under division (C) of this	39640
section within six months after October 9, 1980;	39641
(c) Obtains the permit under division (D) of this section	39642
within twelve months after October 9, 1980.	39643
(3) No political subdivision of this state shall require any	39644
additional zoning or other approval, consent, permit, certificate,	39645
or condition for the construction or operation of a hazardous	39646
waste facility authorized by a hazardous waste facility	39647
installation and operation permit issued pursuant to this chapter,	39648
nor shall any political subdivision adopt or enforce any law,	39649
ordinance, or rule that in any way alters, impairs, or limits the	39650
authority granted in the permit.	39651
(4) After the issuance of a hazardous waste facility	39652
installation and operation permit by the board, each hazardous	39653
waste facility shall be subject to the rules and supervision of	39654
the director during the period of its operation, closure, and	39655
post-closure care, if applicable.	39656

(F) ~~Upon approval of the board in accordance with divisions~~ 39657
~~(D) and (E) of this section, the board~~ The director may issue a 39658
single hazardous waste facility installation and operation permit 39659
to a person who operates two or more adjoining facilities where 39660
hazardous waste is stored, treated, or disposed of if the 39661
application includes detail plans, specifications, and information 39662
on all facilities. For the purposes of this section, "adjoining" 39663
means sharing a common boundary, separated only by a public road, 39664
or in such proximity that the director determines that the 39665
issuance of a single permit will not create a hazard to the public 39666
health or safety or the environment. 39667

(G) No person shall falsify or fail to keep or submit any 39668
plans, specifications, data, reports, records, manifests, or other 39669
information required to be kept or submitted to the director ~~or to~~ 39670
~~the hazardous waste facility board~~ by this chapter or the rules 39671
adopted under it. 39672

(H)(1) Each person who holds an installation and operation 39673
permit issued under this section and who wishes to obtain a permit 39674
renewal shall submit a completed application for an installation 39675
and operation permit renewal and any necessary accompanying 39676
general plans, detail plans, specifications, and such information 39677
as the director may require to the director no later than one 39678
hundred eighty days prior to the expiration date of the existing 39679
permit or upon a later date prior to the expiration of the 39680
existing permit if the permittee can demonstrate good cause for 39681
the late submittal. The director shall consider the application 39682
and accompanying information, inspection reports of the facility, 39683
results of performance tests, a report regarding the facility's 39684
compliance or noncompliance with the terms and conditions of its 39685
permit and rules adopted by the director under this chapter, and 39686
such other information as is relevant to the operation of the 39687
facility and shall issue a draft renewal permit or a notice of 39688

intent to deny the renewal permit. The director, in accordance 39689
with rules adopted under this section or with rules adopted to 39690
implement Chapter 3745. of the Revised Code, shall give public 39691
notice of the application and draft renewal permit or notice of 39692
intent to deny the renewal permit, provide for the opportunity for 39693
public comments within a specified time period, schedule a public 39694
meeting in the county in which the facility is located if 39695
significant interest is shown, and give public notice of the 39696
public meeting. 39697

(2) Within sixty days after the public meeting or close of 39698
the public comment period, the director, without prior hearing, 39699
shall issue or deny the renewal permit in accordance with Chapter 39700
3745. of the Revised Code. The director shall not issue a renewal 39701
permit unless the director determines that the facility under the 39702
existing permit has a history of compliance with this chapter, 39703
rules adopted under it, the existing permit, or orders entered to 39704
enforce such requirements that demonstrates sufficient 39705
reliability, expertise, and competency to operate the facility 39706
henceforth under this chapter, rules adopted under it, and the 39707
renewal permit. If the director approves an application for a 39708
renewal permit, the director shall issue the permit subject to the 39709
payment of the annual permit fee required under division (E) of 39710
section 3734.02 of the Revised Code and upon such terms and 39711
conditions as the director finds are reasonable to ensure that 39712
continued operation, maintenance, closure, and post-closure care 39713
of the hazardous waste facility are in accordance with the rules 39714
adopted under section 3734.12 of the Revised Code. 39715

(3) An installation and operation permit renewal application 39716
submitted to the director that also contains or would constitute 39717
an application for a modification shall be acted upon by the 39718
director in accordance with division (I) of this section in the 39719
same manner as an application for a modification. In approving or 39720

disapproving the renewal portion of a permit renewal application 39721
containing an application for a modification, the director shall 39722
apply the criteria established under division (H)(2) of this 39723
section. 39724

(4) An application for renewal or modification of a permit 39725
that does not contain an application for a modification as 39726
described in divisions (I)(3)(a) to (d) of this section shall not 39727
be subject to division (D)(2) of this section. 39728

(I)(1) As used in this section, "modification" means a change 39729
or alteration to a hazardous waste facility or its operations that 39730
is inconsistent with or not authorized by its existing permit or 39731
authorization to operate. Modifications shall be classified as 39732
Class 1, 2, or 3 modifications in accordance with rules adopted 39733
under division (K) of this section. Modifications classified as 39734
Class 3 modifications, in accordance with rules adopted under that 39735
division, shall be further classified by the director as either 39736
Class 3 modifications that are to be approved or disapproved by 39737
the ~~hazardous waste facility board as described in~~ director under 39738
divisions (I)(3)(a) to (d) of this section or as Class 3 39739
modifications that are to be approved or disapproved by the 39740
director under division (I)(5) of this section. Not later than 39741
thirty days after receiving a request for a modification under 39742
division (I)(4) of this section that is not listed in Appendix I 39743
to 40 C.F.R. 270.42 or in rules adopted under division (K) of this 39744
section, the director shall classify the modification and shall 39745
notify the owner or operator of the facility requesting the 39746
modification of the classification. Notwithstanding any other law 39747
to the contrary, any modification that involves the transfer of a 39748
hazardous waste facility installation and operation permit to a 39749
new owner or operator shall be classified as a Class 3 39750
modification. 39751

(2) Except as provided in section 3734.123 of the Revised 39752

Code, a hazardous waste facility installation and operation permit 39753
may be modified at the request of the director or upon the written 39754
request of the permittee only if any of the following applies: 39755

(a) The permittee desires to accomplish alterations, 39756
additions, or deletions to the permitted facility or to undertake 39757
alterations, additions, deletions, or activities that are 39758
inconsistent with or not authorized by the existing permit; 39759

(b) New information or data justify permit conditions in 39760
addition to or different from those in the existing permit; 39761

(c) The standards, criteria, or rules upon which the existing 39762
permit is based have been changed by new, amended, or rescinded 39763
standards, criteria, or rules, or by judicial decision after the 39764
existing permit was issued, and the change justifies permit 39765
conditions in addition to or different from those in the existing 39766
permit; 39767

(d) The permittee proposes to transfer the permit to another 39768
person. 39769

(3) The director ~~has jurisdiction to~~ shall approve or 39770
disapprove ~~applications~~ an application for ~~Class 1 modifications,~~ 39771
~~Class 2 modifications, and Class 3 modifications not otherwise~~ 39772
~~described in divisions (I)(3)(a) to (d) of this section. The~~ 39773
~~hazardous waste facility board has jurisdiction to approve or~~ 39774
~~disapprove applications for any~~ a modification in accordance with 39775
division (D)(2) of this section and rules adopted under division 39776
(K) of this section for all of the following categories of Class 3 39777
modifications: 39778

(a) Authority to conduct treatment, storage, or disposal at a 39779
site, location, or tract of land that has not been authorized for 39780
the proposed category of treatment, storage, or disposal activity 39781
by the facility's permit; 39782

(b) Modification or addition of a hazardous waste management 39783

unit, as defined in rules adopted under section 3734.12 of the Revised Code, that results in an increase in a facility's storage capacity of more than twenty-five per cent over the capacity authorized by the facility's permit, an increase in a facility's treatment rate of more than twenty-five per cent over the rate so authorized, or an increase in a facility's disposal capacity over the capacity so authorized. The authorized disposal capacity for a facility shall be calculated from the approved design plans for the disposal units at that facility. In no case during a five-year period shall a facility's storage capacity or treatment rate be modified to increase by more than twenty-five per cent in the aggregate without ~~board~~ the director's approval in accordance with division (D)(2) of this section. Notwithstanding any provision of division (I) of this section to the contrary, a request for modification of a facility's annual total waste receipt limit shall be classified and approved or disapproved by the director under division (I)(5) of this section.

(c) Authority to add any of the following categories of regulated activities not previously authorized at a facility by the facility's permit: storage at a facility not previously authorized to store hazardous waste, treatment at a facility not previously authorized to treat hazardous waste, or disposal at a facility not previously authorized to dispose of hazardous waste; or authority to add a category of hazardous waste management unit not previously authorized at the facility by the facility's permit. Notwithstanding any provision of division (I) of this section to the contrary, a request for authority to add or to modify an activity or a hazardous waste management unit for the purposes of performing a corrective action shall be classified and approved or disapproved by the director under division (I)(5) of this section.

(d) Authority to treat, store, or dispose of waste types

listed or characterized as reactive or explosive, in rules adopted 39816
under section 3734.12 of the Revised Code, or any acute hazardous 39817
waste listed in 40 C.F.R. 261.33(e), as amended, at a facility not 39818
previously authorized to treat, store, or dispose of those types 39819
of wastes by the facility's permit unless the requested authority 39820
is limited to wastes that no longer exhibit characteristics 39821
meeting the criteria for listing or characterization as reactive 39822
or explosive wastes, or for listing as acute hazardous waste, but 39823
still are required to carry those waste codes as established in 39824
rules adopted under section 3734.12 of the Revised Code because of 39825
the requirements established in 40 C.F.R. 261(a) and (e), as 39826
amended, that is, the "mixture," "derived-from," or "contained-in" 39827
regulations. 39828

(4) A written request for a modification from the permittee 39829
shall be submitted to the director and shall contain such 39830
information as is necessary to support the request. ~~The director~~ 39831
~~shall transmit to the board requests for Class 3 modifications~~ 39832
~~described in divisions (I)(3)(a) to (d) of this section within two~~ 39833
~~hundred forty days after receiving the requests.~~ Requests for 39834
modifications shall be acted upon by the director ~~or the board, as~~ 39835
~~appropriate,~~ in accordance with this section and rules adopted 39836
under it. 39837

(5) Class 1 modification applications that require prior 39838
approval of the director, as determined in accordance with rules 39839
adopted under division (K) of this section, Class 2 modification 39840
applications, and Class 3 modification applications that are not 39841
described in divisions (I)(3)(a) to (d) of this section shall be 39842
approved or disapproved by the director in accordance with rules 39843
adopted under division (K) of this section. The board of county 39844
commissioners of the county, the board of township trustees of the 39845
township, and the city manager or mayor of the municipal 39846
corporation in which a hazardous waste facility is located shall 39847

receive notification of any application for a modification for 39848
that facility and shall be considered as interested persons with 39849
respect to the director's consideration of the application. 39850

For those modification applications for a transfer of a 39851
permit to a new owner or operator of a facility, the director also 39852
shall determine that, if the transferee owner or operator has been 39853
involved in any prior activity involving the transportation, 39854
treatment, storage, or disposal of hazardous waste, the transferee 39855
owner or operator has a history of compliance with this chapter 39856
and Chapters 3704. and 6111. of the Revised Code and all rules and 39857
standards adopted under them, the "Resource Conservation and 39858
Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 6921, as 39859
amended, and all regulations adopted under it, and similar laws 39860
and rules of another state if the transferee owner or operator 39861
owns or operates a facility in that state, that demonstrates 39862
sufficient reliability, expertise, and competency to operate a 39863
hazardous waste facility under this chapter and Chapters 3704. and 39864
6111. of the Revised Code, all rules and standards adopted under 39865
them, and terms and conditions of a hazardous waste facility 39866
installation and operation permit, given the potential for harm to 39867
the public health and safety and the environment that could result 39868
from the irresponsible operation of the facility. A permit may be 39869
transferred to a new owner or operator only pursuant to a Class 3 39870
permit modification. 39871

As used in division (I)(5) of this section: 39872

(a) "Owner" means the person who owns a majority or 39873
controlling interest in a facility. 39874

(b) "Operator" means the person who is responsible for the 39875
overall operation of a facility. 39876

The director shall approve or disapprove an application for a 39877
Class 1 modification that requires the director's approval within 39878

sixty days after receiving the request for modification. The 39879
director shall approve or disapprove an application for a Class 2 39880
modification within three hundred days after receiving the request 39881
for modification. The director shall approve or disapprove an 39882
application for a Class 3 modification ~~that is not described in~~ 39883
~~divisions (I)(3)(a) to (d) of this section~~ within three hundred 39884
sixty-five days after receiving the request for modification. 39885

(6) The approval or disapproval by the director of a Class 1 39886
modification application is not a final action that is appealable 39887
under Chapter 3745. of the Revised Code. The approval or 39888
disapproval by the director of a Class 2 modification or a Class 3 39889
modification ~~that is not described in divisions (I)(3)(a) to (d)~~ 39890
~~of this section~~ is a final action that is appealable under that 39891
chapter. In approving or disapproving a request for a 39892
modification, the director shall consider all comments pertaining 39893
to the request that are received during the public comment period 39894
and the public meetings. The administrative record for appeal of a 39895
final action by the director in approving or disapproving a 39896
request for a modification shall include all comments received 39897
during the public comment period relating to the request for 39898
modification, written materials submitted at the public meetings 39899
relating to the request, and any other documents related to the 39900
director's action. 39901

~~(7) The hazardous waste facility board shall approve or~~ 39902
~~disapprove an application for a Class 3 modification transmitted~~ 39903
~~to it under division (I)(4) of this section, or that portion of a~~ 39904
~~permit renewal application that constitutes a Class 3 modification~~ 39905
~~application so transmitted, of a hazardous waste facility~~ 39906
~~installation and operation permit in accordance with division (D)~~ 39907
~~of this section. No other request for a modification shall be~~ 39908
~~subject to division (D)(6) of this section. No aspect of a~~ 39909
~~permitted facility or its operations that is not being modified as~~ 39910

~~described in division (I)(3)(a), (b), (c), or (d) of this section~~ 39911
~~shall be subject to review by the board under division (D) of this~~ 39912
~~section.~~ 39913

~~(8)~~ Notwithstanding any other provision of law to the 39914
contrary, a change or alteration to a hazardous waste facility 39915
described in division (E)(3)(a) or (b) of section 3734.02 of the 39916
Revised Code, or its operations, is a modification for the 39917
purposes of this section. An application for a modification at 39918
such a facility shall be submitted, classified, and approved or 39919
disapproved in accordance with divisions (I)(1) to ~~(7)~~(6) of this 39920
section in the same manner as a modification to a hazardous waste 39921
facility installation and operation permit. 39922

(J)(1) Except as provided in division (J)(2) of this section, 39923
an owner or operator of a hazardous waste facility that is 39924
operating in accordance with a permit by rule under rules adopted 39925
by the director under division (E)(3)(b) of section 3734.02 of the 39926
Revised Code shall submit either a hazardous waste facility 39927
installation and operation permit application for the facility or 39928
a modification application, whichever is required under division 39929
(J)(1)(a) or (b) of this section, within one hundred eighty days 39930
after the director has requested the application or upon a later 39931
date if the owner or operator demonstrates to the director good 39932
cause for the late submittal. 39933

(a) If the owner or operator does not have a hazardous waste 39934
facility installation and operation permit for any hazardous waste 39935
treatment, storage, or disposal activities at the facility, the 39936
owner or operator shall submit an application for such a permit to 39937
the director for the activities authorized by the permit by rule. 39938
Notwithstanding any other provision of law to the contrary, the 39939
director shall approve or disapprove the application for the 39940
permit in accordance with the procedures governing the approval or 39941
disapproval of permit renewals under division (H) of this section. 39942

(b) If the owner or operator has a hazardous waste facility installation and operation permit for hazardous waste treatment, storage, or disposal activities at the facility other than those authorized by the permit by rule, the owner or operator shall submit to the director a request for modification in accordance with division (I) of this section. Notwithstanding any other provision of law to the contrary, the director shall approve or disapprove the modification application in accordance with ~~rules adopted under~~ division (K)(I)(5) of this section.

(2) The owner or operator of a boiler or industrial furnace that is conducting thermal treatment activities in accordance with a permit by rule under rules adopted by the director under division (E)(3)(b) of section 3734.02 of the Revised Code shall submit a hazardous waste facility installation and operation permit application if the owner or operator does not have such a permit for any hazardous waste treatment, storage, or disposal activities at the facility or, if the owner or operator has such a permit for hazardous waste treatment, storage, or disposal activities at the facility other than thermal treatment activities authorized by the permit by rule, a modification application to add those activities authorized by the permit by rule, whichever is applicable, within one hundred eighty days after the director has requested the submission of the application or upon a later date if the owner or operator demonstrates to the director good cause for the late submittal. The application shall be accompanied by information necessary to support the request. The ~~hazardous waste facility board~~ director shall approve or disapprove ~~the an~~ an application for a hazardous waste facility installation and operation permit in accordance with division (D) of this section and approve or disapprove an application for a modification in accordance with division (I)(3) of this section, except that the ~~board~~ director shall not disapprove an application for the thermal

treatment activities on the basis of the criteria set forth in 39975
division (D)~~(6)~~(2)(g) or (h) of this section. 39976

(3) As used in division (J) of this section: 39977

(a) "Modification application" means a request for a 39978
modification submitted in accordance with division (I) of this 39979
section. 39980

(b) "Thermal treatment," "boiler," and "industrial furnace" 39981
have the same meanings as in rules adopted under section 3734.12 39982
of the Revised Code. 39983

(K) The director shall adopt, and may amend, suspend, or 39984
rescind, rules in accordance with Chapter 119. of the Revised Code 39985
in order to implement divisions (H) and (I) of this section. 39986
Except when in actual conflict with this section, rules governing 39987
the classification of and procedures for the modification of 39988
hazardous waste facility installation and operation permits shall 39989
be substantively and procedurally identical to the regulations 39990
governing hazardous waste facility permitting and permit 39991
modifications adopted under the "Resource Conservation and 39992
Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 6921, as 39993
amended. 39994

Sec. 3734.12. The director of environmental protection shall 39995
adopt and may amend, suspend, and rescind rules in accordance with 39996
Chapter 119. of the Revised Code, which shall be consistent with 39997
and equivalent to the regulations adopted under the "Resource 39998
Conservation and Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 39999
6921, as amended, except for rules adopted under divisions (D) and 40000
(F) of this section governing solid waste facilities and except as 40001
otherwise provided in this chapter, doing all of the following: 40002

(A) Adopting the criteria and procedures established under 40003
the "Resource Conservation and Recovery Act of 1976," 90 Stat. 40004

2806, 42 U.S.C.A. 6921, as amended, for identifying hazardous 40005
waste. The director shall prepare, revise when appropriate, and 40006
publish a list of substances or categories of substances 40007
identified to be hazardous using the criteria specified in 40 40008
C.F.R. 261, as amended, which shall be composed of at least those 40009
substances identified as hazardous pursuant to section 3001(B) of 40010
that act. The director shall not list any waste that the 40011
administrator of the United States environmental protection agency 40012
delisted or excluded by an amendment to the federal regulations, 40013
any waste that the administrator declined to list by publishing a 40014
denial of a rulemaking petition or by withdrawal of a proposed 40015
listing in the United States federal register after May 18, 1980, 40016
or any waste oil or polychlorinated biphenyl not listed by the 40017
administrator. 40018

(B) Establishing standards for generators of hazardous waste 40019
necessary to protect human health or safety or the environment in 40020
accordance with this chapter, including, but not limited to, 40021
requirements respecting all of the following: 40022

(1) Record-keeping practices that accurately identify the 40023
quantities of hazardous waste generated, the constituents that are 40024
significant in quantity or in potential harm to human health or 40025
safety or the environment, and the disposition of the waste; 40026

(2) Labeling of containers used for storage, transportation, 40027
or disposal of hazardous waste to identify the waste accurately; 40028

(3) Use of appropriate containers for hazardous waste; 40029

(4) Providing information on the general chemical composition 40030
of hazardous waste to persons transporting, treating, storing, or 40031
disposing of the waste; 40032

(5) A manifest system requiring a manifest consistent with 40033
that prescribed under the "Resource Conservation and Recovery Act 40034
of 1976," 90 Stat. 2795, 42 U.S.C.A. 6901, as amended, requiring a 40035

manifest for any hazardous waste transported off the premises	40036
where generated and assuring that all hazardous waste that is	40037
transported off the premises where generated is designated for	40038
treatment, storage, or disposal in facilities for which a permit	40039
has been issued or in the other facilities specified in division	40040
(F) of section 3734.02 of the Revised Code;	40041
(6) Submission of such reports to the director as the	40042
director determines necessary;	40043
(7) Establishment of quality control and testing procedures	40044
that ensure compliance with the rules adopted under this section;	40045
(8) Obtainment of a United States environmental protection	40046
agency identification number.	40047
(C) Establishing standards for transporters of hazardous	40048
waste necessary to protect human health or safety or the	40049
environment in accordance with this chapter, including, but not	40050
limited to, requirements respecting all of the following:	40051
(1) Record-keeping concerning hazardous waste transported,	40052
including source and delivery points;	40053
(2) Submission of such reports to the director as the	40054
director determines necessary;	40055
(3) Transportation of only properly labeled waste;	40056
(4) Compliance with the manifest system required by division	40057
(B) of this section;	40058
(5) Transportation of hazardous waste only to the treatment,	40059
storage, or disposal facility that the shipper designates on the	40060
manifest to be a facility holding a permit or another facility	40061
specified in division (F) of section 3734.02 of the Revised Code;	40062
(6) Contingency plans to minimize unanticipated damage from	40063
transportation of hazardous waste;	40064
(7) Financial responsibility, including, but not limited to,	40065

provisions requiring a financial mechanism to cover the costs of 40066
spill cleanup and liability for sudden accidental occurrences that 40067
result in damage to persons, property, or the environment; 40068

(8) Obtainment of a United States environmental protection 40069
agency identification number. 40070

In the case of any hazardous waste that is subject to the 40071
"Hazardous Materials Transportation Act," 88 Stat. 2156 (1975), 49 40072
U.S.C.A. 1801, as amended, the rules shall be consistent with that 40073
act and regulations adopted under it. 40074

(D) Establishing performance standards for owners and 40075
operators of hazardous waste facilities and owners and operators 40076
of solid waste facilities, necessary to protect human health or 40077
safety or the environment in accordance with this chapter, 40078
including, but not limited to, requirements respecting all of the 40079
following: 40080

(1) Maintaining records of all hazardous waste that is 40081
treated, stored, or disposed of and of the manner in which the 40082
waste was treated, stored, or disposed of or records of all solid 40083
wastes transferred or disposed of and of the manner in which the 40084
wastes were disposed of; 40085

(2) Submission of such reports to the director as the 40086
director determines necessary; 40087

(3) Reporting, monitoring, inspection, and, except with 40088
respect to solid waste facilities, compliance with the manifest 40089
system referred to in division (B) of this section; 40090

(4) Treatment, storage, or disposal of all hazardous waste 40091
received by methods, techniques, and practices approved by the 40092
director and disposal or transfer of all solid wastes received by 40093
methods, techniques, and practices approved by the director; 40094

(5) Location, design, and construction of hazardous waste 40095

facilities and location, design, and construction of solid waste facilities;	40096 40097
(6) Contingency plans for effective action to minimize unanticipated damage from treatment, storage, or disposal of hazardous waste and the disposal or transfer of solid wastes;	40098 40099 40100
(7) Ownership, continuity of operation, training for personnel, and financial responsibility, including the filing of closure and post-closure financial assurance, if applicable. No private entity shall be precluded by reason of these requirements from the ownership or operation of facilities providing hazardous waste treatment, storage, or disposal services if the entity can provide assurances of financial responsibility and continuity of operation consistent with the degree and duration of risks associated with the treatment, storage, or disposal of specified hazardous waste.	40101 40102 40103 40104 40105 40106 40107 40108 40109 40110
(8) Closure and post-closure care of a hazardous waste facility where hazardous waste will no longer be treated, stored, or disposed of and of a solid waste facility where solid wastes will no longer be disposed of or transferred;	40111 40112 40113 40114
(9) Establishment of quality control and testing procedures that ensure compliance with the rules adopted under this section;	40115 40116
(10) Obtainment of a United States environmental protection agency identification number for each hazardous waste treatment, storage, or disposal facility;	40117 40118 40119
(11) Trial burns and land treatment demonstrations.	40120
The rules adopted under divisions (D) and (F) of this section pertaining to solid waste facilities do not apply to scrap tire collection, storage, monocell, monofill, and recovery facilities. Those facilities are subject to and governed by rules adopted under sections 3734.70 to 3734.73 of the Revised Code, as applicable.	40121 40122 40123 40124 40125 40126

(E) Governing the issuance, modification, revocation, 40127
suspension, withdrawal, and denial of installation and operation 40128
permits, draft permits, and transportation certificates of 40129
registration; 40130

(F) Specifying information required to be included in 40131
applications for hazardous waste facility installation and 40132
operation permits and solid waste permits, including, but not 40133
limited to, detail plans, specifications, and information 40134
respecting all of the following: 40135

(1) The composition, quantities, and concentrations of 40136
hazardous waste and solid wastes to be stored, treated, 40137
transported, or disposed of and such other information as the 40138
director may require regarding the method of operation; 40139

(2) The facility to which the waste will be transported or 40140
where it will be stored, treated, or disposed of; 40141

(3) The closure and post-closure care of a facility where 40142
hazardous waste will no longer be treated, stored, or disposed of 40143
and of a solid waste facility where solid wastes will no longer be 40144
disposed of or transferred. 40145

(G) Establishing procedures ensuring that all information 40146
entitled to protection as trade secrets disclosed to the director 40147
or the director's authorized representative is not disclosed 40148
without the consent of the owner, except that such information may 40149
be disclosed, upon request, to authorized representatives of the 40150
United States environmental protection agency, or as required by 40151
law. As used in this section, "trade secrets" means any formula, 40152
plan, pattern, process, tool, mechanism, compound, procedure, 40153
production date, or compilation of information that is not 40154
patented, that is known only to certain individuals within a 40155
commercial concern who are using it to fabricate, produce, or 40156
compound an article, trade, or service having commercial value, 40157

and that gives its user an opportunity to obtain a business 40158
advantage over competitors who do not know or use it. 40159

(H) Prohibiting the disposal of specified hazardous wastes in 40160
this state if the director has determined both of the following: 40161

(1) The potential impacts on human health or safety or the 40162
environment are such that disposal of those wastes should not be 40163
allowed. 40164

(2) A technically feasible and environmentally sound 40165
alternative is reasonably available, either within or outside this 40166
state, for processing, recycling, fixation of, neutralization of, 40167
or other treatment of those wastes. Such reasonable availability 40168
shall not be determined without a consideration of the costs to 40169
the generator of implementing the alternatives. 40170

The director shall adopt, and may amend, suspend, or rescind, 40171
rules to specify hazardous wastes that shall not be disposed of in 40172
accordance with this division. Nothing in this division, either 40173
prior to or after adoption of those rules, shall preclude the 40174
director ~~or the hazardous waste facility board created in section~~ 40175
~~3734.05 of the Revised Code~~ from prohibiting the disposal of 40176
specified hazardous wastes at particular facilities under the 40177
terms or conditions of a permit or ~~preclude the director from~~ 40178
~~prohibiting that disposal~~ by order. 40179

(I)(1)(a) Governing the following that may be more stringent 40180
than the regulations adopted under the "Resource Conservation and 40181
Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 6921, as 40182
amended, when the director determines that such more stringent 40183
rules are reasonable in order to protect human health or safety or 40184
the environment: 40185

(i) Specific wastes that the director determines, because of 40186
their physical, chemical, or biological characteristics, are so 40187
extremely hazardous that the storage, treatment, or disposal of 40188

the wastes in compliance with those regulations would present an imminent danger to human health or safety or the environment;

(ii) The use of only properly designed, operated, and approved transfer facilities;

(iii) Preventing illegitimate activities relating to the reuse, recycling, or reclaiming of hazardous waste, including record-keeping, reporting, and manifest requirements.

(b) In adopting such more stringent rules, the director shall give consideration to and base the rules on evidence concerning factors including, but not limited to, the following insofar as pertinent:

(i) Geography of the state;

(ii) Geology of the state;

(iii) Hydrogeology of the state;

(iv) Climate of the state;

(v) Engineering and technical feasibility;

(vi) Availability of alternative technologies or methods of storage, treatment, or disposal.

(2) The director may require from generators and transporters of hazardous waste and from owners or operators of treatment, storage, or disposal facilities, the submission of reports in addition to those required under regulations adopted under the "Resource Conservation and Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 6921, as amended, to the extent that such reports contain information that the generator, transporter, or facility owner or operator is required to obtain in order to comply with the regulations adopted by the administrator of the United States environmental protection agency under the "Resource Conservation and Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 6921, as amended, or to the extent that such reports are required by the

director to meet the requirements of division (B)(7), (D)(9), or 40219
(H) of this section or section 3734.121 of the Revised Code. 40220

(J) Governing the storage, treatment, or disposal of 40221
hazardous waste in, and the permitting, design, construction, 40222
operation, monitoring, inspection, closure, and post-closure care 40223
of, hazardous waste underground injection wells, surface 40224
impoundments, waste piles other than those composed of materials 40225
removed from the ground as part of coal or mineral extraction or 40226
cleaning processes, land treatment facilities, thermal treatment 40227
facilities, and landfills that may be more stringent than the 40228
regulations adopted under the "Resource Conservation and Recovery 40229
Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 6921, as amended, 40230
whenever the director reasonably determines that federal 40231
regulations will not adequately protect the public health or 40232
safety or the environment of this state with respect to the 40233
subject matter of the more stringent rules. Such more stringent 40234
rules shall be developed to achieve a degree of protection, as 40235
determined by the director, consistent with the degree of hazard 40236
potentially posed by the various wastes or categories of wastes to 40237
be treated, stored, or disposed of and the types of facilities at 40238
which they are to be treated, stored, or disposed of. In adopting 40239
such more stringent rules, the director shall give consideration 40240
to and base the rules on evidence concerning factors including, 40241
but not limited to, the following insofar as pertinent: 40242

(1) Geography of the state; 40243

(2) Geology of the state; 40244

(3) Hydrogeology of the state; 40245

(4) Climate of the state; 40246

(5) Engineering and technical feasibility; 40247

(6) Availability of alternative technologies or methods of 40248
storage, treatment, or disposal. 40249

(K) Establishing performance standards and other requirements	40250
necessary to protect public health and the environment from	40251
hazards associated with used oil, including, without limitation,	40252
standards and requirements respecting all of the following:	40253
(1) Material that is subject to regulation as used oil;	40254
(2) Generation of used oil;	40255
(3) Used oil collection centers and aggregation points;	40256
(4) Transportation of used oil;	40257
(5) Processing and re-refining of used oil;	40258
(6) Burning of used oil;	40259
(7) Marketing of used oil;	40260
(8) Disposal of used oil;	40261
(9) Use of used oil as a dust suppressant.	40262
Sec. 3734.123. (A) As used in this section and section	40263
3734.124 of the Revised Code, "commercial hazardous waste	40264
incinerator" means an enclosed device that treats hazardous waste	40265
by means of controlled flame combustion and that accepts for	40266
treatment hazardous waste that is generated off the premises on	40267
which the device is located by any person other than the one who	40268
owns or operates the device or one who controls, is controlled by,	40269
or is under common control with the person who owns or operates	40270
the device. "Commercial hazardous waste incinerator" does not	40271
include any "boiler" or "industrial furnace" as those terms are	40272
defined in rules adopted under section 3734.12 of the Revised	40273
Code.	40274
(B) Not sooner than three years after April 15, 1993, and	40275
triennially thereafter, the director of environmental protection	40276
shall prepare, publish, and issue as a final action an assessment	40277
of commercial hazardous waste incinerator capacity in this state.	40278

However, after the issuance as a final action of a determination 40279
under division (A) of section 3734.124 of the Revised Code that 40280
terminates the restrictions established in division (C) of this 40281
section, the director shall cease preparing, publishing, and 40282
issuing the periodic assessments required under this division. The 40283
assessment shall determine the amount of commercial hazardous 40284
waste incinerator capacity needed to manage the hazardous waste 40285
expected to be generated in this state and imported into this 40286
state for incineration at commercial hazardous waste incinerators 40287
during the next succeeding twenty calendar years. The assessment 40288
shall include at least all of the following: 40289

(1) A determination of the aggregate treatment capacity 40290
authorized at commercial hazardous waste incinerators located in 40291
this state; 40292

(2) A determination of the quantity of hazardous waste 40293
generated in this state that is being treated at commercial 40294
hazardous waste incinerators located in this state and projections 40295
of the quantity of hazardous waste generated in this state that 40296
will be treated at those facilities; 40297

(3) A determination of the quantity of hazardous waste 40298
generated outside this state that is being treated at commercial 40299
hazardous waste incinerators located in this state and projections 40300
of the quantity of hazardous waste generated outside this state 40301
that will be treated at those facilities; 40302

(4) A determination of the quantity of hazardous waste 40303
generated in this state that is being treated at commercial 40304
hazardous waste incinerators located outside this state, and 40305
projections of the quantity of hazardous waste generated in this 40306
state that will be treated at those facilities; 40307

(5) The amount of commercial hazardous waste incinerator 40308
capacity that the director reasonably anticipates will be needed 40309

during the first three years of the planning period to treat 40310
hazardous waste generated from the remediation of sites in this 40311
state that are on the national priority list required under the 40312
"Comprehensive Environmental Response, Compensation, and Liability 40313
Act of 1980," 94 Stat. 2767, 42 U.S.C.A. 9601, as amended; as a 40314
result of corrective actions implemented under the "Resource 40315
Conservation and Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 40316
6921, as amended; and as a result of clean-up activities conducted 40317
at sites listed on the master sites list prepared by the 40318
environmental protection agency; 40319

(6) Based upon available data, provided that the data are 40320
reliable and are compatible with the data base of the 40321
environmental protection agency, an identification of any 40322
hazardous waste first listed as a hazardous waste in regulations 40323
adopted under the "Resource Conservation and Recovery Act of 40324
1976," 90 Stat. 2806, 42 U.S.C.A. 6921, as amended, on or after 40325
April 15, 1993, and of any hazardous waste that has been proposed 40326
for such listing by publication of a notice in the federal 40327
register on or before December 1 of the year immediately preceding 40328
the triennial assessment; 40329

(7) An analysis of other factors that may result in capacity 40330
changes over the period addressed by the assessment. 40331

(C) Except as otherwise provided in section 3734.124 of the 40332
Revised Code, none of the following shall occur on or after April 40333
15, 1993: 40334

(1) The director shall not do any of the following: 40335

(a) ~~Pursuant to division (D)(3) or (I)(4) of section 3734.05~~ 40336
~~of the Revised Code, as applicable, transmit to the hazardous~~ 40337
~~waste facility board created in that section any application for a~~ 40338
Issue any hazardous waste facility installation and operation 40339
permit under division (D) of section 3734.05 of the Revised Code 40340

for the establishment of a new commercial hazardous waste 40341
incinerator, or ~~any request for a modification, as described in~~ 40342
~~divisions (I)(3)(a) to (d) of section 3734.05 of the Revised Code,~~ 40343
~~of an existing commercial hazardous waste incinerator to increase~~ 40344
~~either the treatment capacity of the incinerator or the quantity~~ 40345
~~of hazardous waste authorized to be treated by it, for which the~~ 40346
~~staff of the environmental protection agency has made a~~ 40347
~~preliminary determination as to whether the application or request~~ 40348
~~appears to comply with the rules and standards set forth under~~ 40349
~~divisions (D), (I), and (J) of section 3734.12 of the Revised~~ 40350
~~Code;~~ 40351

~~(b)~~ Issue issue any modified hazardous waste facility 40352
installation and operation permit under division (I)~~(5)~~ of that 40353
~~section 3734.05 of the Revised Code~~ that would authorize an 40354
increase in either the treatment capacity of a commercial 40355
hazardous waste incinerator or the quantity of hazardous waste 40356
authorized to be treated by it; 40357

~~(e)~~(b) Issue any permit pursuant to rules adopted under 40358
division (F) of section 3704.03 of the Revised Code, division (J) 40359
of section 6111.03 of the Revised Code, or the solid waste 40360
provisions of this chapter and rules adopted under those 40361
provisions, that is necessary for the establishment, modification, 40362
or operation of any appurtenant facility or equipment that is 40363
necessary for the operation of a new commercial hazardous waste 40364
incinerator, or the modification of such an existing incinerator 40365
to increase either the treatment capacity of the incinerator or 40366
the quantity of hazardous waste that is authorized to be treated 40367
by it. Upon determining that an application for any permit 40368
pertains to the establishment, modification, or operation of any 40369
appurtenant facility or equipment, the director shall cease 40370
reviewing the application and return the application and 40371
accompanying materials to the applicant along with a written 40372

notice that division (C)(1)~~(e)~~(b) of this section precludes the 40373
director from reviewing and acting upon the application. 40374

~~(d)~~(c) Issue any exemption order under division (G) of 40375
section 3734.02 of the Revised Code exempting the establishment of 40376
a new commercial hazardous waste incinerator; the modification of 40377
an existing facility to increase either the treatment capacity of 40378
the incinerator or the quantity of hazardous waste that is 40379
authorized to be treated by it; or the establishment, 40380
modification, or operation of any facility or equipment 40381
appurtenant to a new or modified commercial hazardous waste 40382
incinerator, from divisions (C)(1)(a)~~7~~ or (b)~~7~~ ~~or~~ (e) or (C)(2) ~~or~~ 40383
~~(3)~~ of this section. 40384

(2) ~~The staff of the environmental protection agency shall~~ 40385
~~not take any action under division (D)(3) of section 3734.05 of~~ 40386
~~the Revised Code to review, or to make a preliminary determination~~ 40387
~~of compliance with the rules and standards set forth in divisions~~ 40388
~~(D), (I), and (J) of section 3734.12 of the Revised Code~~ 40389
~~regarding, any~~ If the director determines that an application for 40390
a hazardous waste facility installation and operation permit 40391
submitted under division (D)~~(3)~~ of section 3734.05 of the Revised 40392
Code ~~that~~ pertains to the establishment of a new commercial 40393
hazardous waste incinerator, or ~~any~~ a request for a modification 40394
of an existing incinerator submitted under division (I)~~(4)~~ of that 40395
section ~~to modify an existing incinerator~~ pertains to an increase 40396
of either the treatment capacity of the incinerator or the 40397
quantity of hazardous waste that is authorized to be treated by 40398
it. ~~Upon determining that an application or request submitted~~ 40399
~~under those divisions pertains to the establishment of a new~~ 40400
~~commercial hazardous waste incinerator or the modification of an~~ 40401
~~existing incinerator, the staff of the agency~~ director shall cease 40402
reviewing the application or request and shall return it and the 40403
accompanying materials to the applicant along with a written 40404

notice that division (C)(2) of this section precludes the staff 40405
from reviewing or making any preliminary determination of 40406
~~compliance regarding~~ review of the application or request. 40407

~~(3) The hazardous waste facility board created in section 40408
3734.05 of the Revised Code shall not do either of the following:~~ 40409

~~(a) Approve any application for a hazardous waste facility 40410
installation and operation permit, or issue any permit, under 40411
divisions (D) and (F) of section 3734.05 of the Revised Code that 40412
authorizes the establishment and operation of a new commercial 40413
hazardous waste incinerator;~~ 40414

~~(b) Approve any request to modify an existing commercial 40415
hazardous waste incinerator under divisions (D) and (I)(7) of 40416
section 3734.05 of the Revised Code that authorizes an increase in 40417
either the treatment capacity of the incinerator or the quantity 40418
of hazardous waste authorized to be treated by it.~~ 40419

Sec. 3734.124. (A) Promptly after issuing a periodic 40420
assessment under division (B) of section 3734.123 of the Revised 40421
Code, the director of environmental protection shall make a 40422
determination as to whether it is necessary or appropriate to 40423
continue the restrictions established in division (C) of section 40424
3734.123 of the Revised Code during the period of time between the 40425
issuance of the assessment and the issuance of the next succeeding 40426
periodic assessment or as to whether it is necessary or 40427
appropriate to terminate the restrictions. The director shall 40428
consider all of the following when making a determination under 40429
this division: 40430

(1) The findings of the assessment; 40431

(2) The findings of an evaluation conducted by the director, 40432
in consultation with the chairperson of the state emergency 40433
response commission created in section 3750.02 of the Revised 40434

Code, regarding the capability of this state to respond to the 40435
types and frequencies of releases of hazardous waste that are 40436
likely to occur at commercial hazardous waste incinerators; 40437

(3) The effect that a new commercial hazardous waste 40438
incinerator may have on ambient air quality in this state; 40439

(4) The findings of a review of relevant information 40440
regarding the impacts of commercial hazardous waste incinerators 40441
on human health and the environment, such as health studies and 40442
risk assessments; 40443

(5) The findings of a review of the operational records of 40444
commercial hazardous waste incinerators operating in this state; 40445

(6) The findings of any review of relevant information 40446
concerning the following: 40447

(a) The cost of and access to commercial hazardous waste 40448
incinerator capacity; 40449

(b) The length of time and the regulatory review process 40450
necessary to fully permit a commercial hazardous waste 40451
incinerator; 40452

(c) Access to long-term capital investment to fund the 40453
building of a commercial hazardous waste incinerator in this 40454
state; 40455

(d) Efforts by generators of hazardous waste accepted by 40456
commercial hazardous waste incinerators to reduce the amount of 40457
hazardous waste that they generate. 40458

(7) Regulatory and legislative concerns that may include, 40459
without limitation, the provisions of paragraphs (a) and (b) of 40
C.F.R. 271.4, as they existed on April 15, 1993. 40461

If, after considering all of the information and concerns 40462
that the director is required to consider under divisions (A)(1) 40463
to (7) of this section, the director determines that it is 40464

necessary or appropriate to terminate the restrictions established 40465
in division (C) of section 3734.123 of the Revised Code in order 40466
to protect human health or safety or the environment, the director 40467
shall issue as a final action a written determination to that 40468
effect. If the director determines that it is necessary or 40469
appropriate for those purposes to continue the restrictions until 40470
the issuance of the next succeeding periodic assessment under 40471
division (B) of section 3734.123 of the Revised Code, the director 40472
shall issue as a final action a written determination to that 40473
effect. After the issuance as a final action of a determination 40474
under this division that it is necessary or appropriate to 40475
terminate the restrictions established in division (C) of section 40476
3734.123 of the Revised Code, the director shall cease making the 40477
periodic determinations required under this division. 40478

(B) Beginning three years after April 15, 1993, but only on 40479
and after the date of issuance as final actions of an assessment 40480
under division (B) of section 3734.123 of the Revised Code and a 40481
determination under division (A) of this section that it is 40482
necessary or appropriate to terminate the restrictions established 40483
in division (C) of section 3734.123 of the Revised Code, ~~any of~~ 40484
~~the following may occur:~~ 40485

~~(1) The the director may do any of the following:~~ 40486

~~(a) Pursuant to division (D)(3) or (I)(4) of section 3734.05 40487
of the Revised Code, as applicable, transmit to the hazardous 40488
waste facility board created in that section an application for a 40489
hazardous waste facility installation and operation permit that 40490
pertains to the establishment of a new commercial hazardous waste 40491
incinerator, or a request for a modification, as described in 40492
divisions (I)(3)(a) to (d) of section 3734.05 of the Revised Code, 40493
of a commercial hazardous waste incinerator to increase either the 40494
treatment capacity of the incinerator or the quantity of hazardous 40495
waste authorized to be treated by it, for which the staff of the 40496~~

~~environmental protection agency has made a preliminary 40497
determination as to whether the application or request appears to 40498
comply with the rules and standards set forth under divisions (D), 40499
(I), and (K) of section 3734.05 of the Revised Code; 40500~~

~~(b) To the extent otherwise authorized in division (I)(5) of 40501
section 3734.05 of the Revised Code, issue a modified hazardous 40502
waste facility installation and operation permit under that 40503
division that authorizes an increase in either the treatment 40504
capacity of a commercial hazardous waste incinerator or the 40505
quantity of hazardous waste authorized to be treated by it; 40506~~

~~(e)(1) To the extent otherwise authorized thereunder, issue 40507
any permit pursuant to rules adopted under division (F) of section 40508
3704.03 of the Revised Code, division (J) of section 6111.03 of 40509
the Revised Code, or the solid waste provisions of this chapter 40510
and rules adopted under those provisions, that is necessary for 40511
the establishment, modification, or operation of any appurtenant 40512
facility or equipment that is necessary for the operation of a new 40513
commercial hazardous waste incinerator, or for the modification of 40514
an existing incinerator to increase either the treatment capacity 40515
of the incinerator or the quantity of hazardous waste authorized 40516
to be treated by it; 40517~~

~~(d)(2) To the extent otherwise authorized in division (G) of 40518
section 3734.02 of the Revised Code, issue an order exempting the 40519
establishment of a new commercial hazardous waste incinerator; the 40520
modification of an existing incinerator to increase either the 40521
treatment capacity of the incinerator or the quantity of hazardous 40522
waste that is authorized to be treated by it; or the 40523
establishment, modification, or operation of any facility or 40524
equipment appurtenant to a new or modified commercial hazardous 40525
waste incinerator, from division (C)(1)(a), or (b), ~~or (e)~~ or 40526
(C)(2) ~~or (3)~~ of section 3734.123 of the Revised Code; 40527~~

~~(2) The staff of the environmental protection agency may do 40528~~

~~both of the following:~~ 40529

~~(a) Pursuant to division (D)(3) or (I)(4) of section 3734.05~~ 40530
~~of the Revised Code, review an application for a hazardous waste~~ 40531
~~facility installation and operation permit to establish a new~~ 40532
~~commercial hazardous waste incinerator or a request to modify an~~ 40533
~~existing incinerator to increase either the treatment capacity of~~ 40534
~~the incinerator or the quantity of hazardous waste authorized to~~ 40535
~~be treated by it;~~ 40536

~~(b) Pursuant to division (D)(3) or (I)(4) of section 3734.05~~ 40537
~~of the Revised Code, make a preliminary determination as to~~ 40538
~~whether an application for a hazardous waste facility permit to~~ 40539
~~install and operate a new commercial hazardous waste incinerator~~ 40540
~~or a request to modify an existing incinerator to increase either~~ 40541
~~the treatment capacity of the incinerator or the quantity of~~ 40542
~~hazardous waste authorized to be treated by it appears to comply~~ 40543
~~with the rules and performance standards set forth under divisions~~ 40544
~~(D), (I), and (J) of section 3734.12 of the Revised Code.~~ 40545

~~(3) The hazardous waste facility board may do both of the~~ 40546
~~following:~~ 40547

~~(a) Approve or disapprove an application for a hazardous~~ 40548
~~waste facility installation and operation permit, and issue a~~ 40549
~~permit, under ~~divisions~~ division (D) and ~~(F)~~ of section 3734.05 of~~ 40550
~~the Revised Code for a new commercial hazardous waste incinerator;~~ 40551

~~(b) Under divisions (D) and (I)(7) of that section, approve~~ 40552
~~(4) Approve or disapprove under division (I) of section 3734.05 of~~ 40553
~~the Revised Code a request to modify the permit of an existing~~ 40554
~~commercial hazardous waste incinerator to increase either the~~ 40555
~~treatment capacity of the incinerator or the quantity of hazardous~~ 40556
~~waste authorized to be treated by it.~~ 40557

Sec. 3734.18. (A) There are hereby levied fees on the 40558

disposal of hazardous waste to be collected according to the 40559
following schedule at each disposal facility to which ~~the~~ 40560
~~hazardous waste facility board has issued~~ a hazardous waste 40561
facility installation and operation permit or ~~the director of~~ 40562
~~environmental protection has issued a renewal of a permit pursuant~~ 40563
~~to section 3734.05 of the Revised Code has been issued under this~~ 40564
chapter: 40565

(1) For disposal facilities that are off-site facilities as 40566
defined in division (E) of section 3734.02 of the Revised Code, 40567
fees shall be levied at the rate of four dollars and fifty cents 40568
per ton for hazardous waste disposed of by deep well injection and 40569
nine dollars per ton for hazardous waste disposed of by land 40570
application or landfilling. The owner or operator of the facility, 40571
as a trustee for the state, shall collect the fees and forward 40572
them to the director in accordance with rules adopted under this 40573
section. 40574

(2) For disposal facilities that are on-site or satellite 40575
facilities, as defined in division (E) of section 3734.02 of the 40576
Revised Code, fees shall be levied at the rate of two dollars per 40577
ton for hazardous waste disposed of by deep well injection and 40578
four dollars per ton for hazardous waste disposed of by land 40579
application or landfilling. The maximum annual disposal fee for an 40580
on-site disposal facility that disposes of one hundred thousand 40581
tons or less of hazardous waste in a year is twenty-five thousand 40582
dollars. The maximum annual disposal fee for an on-site facility 40583
that disposes of more than one hundred thousand tons of hazardous 40584
waste in a year by land application or landfilling is fifty 40585
thousand dollars, and the maximum annual fee for an on-site 40586
facility that disposes of more than one hundred thousand tons of 40587
hazardous waste in a year by deep well injection is one hundred 40588
thousand dollars. The maximum annual disposal fee for a satellite 40589
facility that disposes of one hundred thousand tons or less of 40590

hazardous waste in a year is thirty-seven thousand five hundred 40591
dollars, and the maximum annual disposal fee for a satellite 40592
facility that disposes of more than one hundred thousand tons of 40593
hazardous waste in a year is seventy-five thousand dollars, except 40594
that a satellite facility defined under division (E)(3)(b) of 40595
section 3734.02 of the Revised Code that receives hazardous waste 40596
from a single generation site is subject to the same maximum 40597
annual disposal fees as an on-site disposal facility. The owner or 40598
operator shall pay the fee to the director each year upon the 40599
anniversary of the date of issuance of the owner's or operator's 40600
installation and operation permit during the term of that permit 40601
and any renewal permit issued under division (H) of section 40602
3734.05 of the Revised Code. If payment is late, the owner or 40603
operator shall pay an additional ten per cent of the amount of the 40604
fee for each month that it is late. 40605

(B) There are hereby levied fees at the rate of two dollars 40606
per ton on hazardous waste that is treated at treatment facilities 40607
that are not on-site or satellite facilities, as defined in 40608
division (E) of section 3734.02 of the Revised Code, to which ~~the~~ 40609
~~hazardous waste facility board has issued~~ a hazardous waste 40610
facility installation and operation permit or ~~the director~~ renewal 40611
of a permit has been issued ~~a renewal permit under this chapter,~~ 40612
or that are not subject to the hazardous waste facility 40613
installation and operation permit requirements under rules adopted 40614
by the director. 40615

(C) There are hereby levied additional fees on the treatment 40616
and disposal of hazardous waste at the rate of ten per cent of the 40617
applicable fees prescribed in division (A) or (B) of this section 40618
for the purposes of paying the costs of municipal corporations and 40619
counties for conducting reviews of applications for hazardous 40620
waste facility installation and operation permits for proposed new 40621
or modified hazardous waste landfills within their boundaries, 40622

emergency response actions with respect to releases of hazardous waste from hazardous waste facilities within their boundaries, monitoring the operation of such hazardous waste facilities, and local waste management planning programs. The owner or operator of a facility located within a municipal corporation, as a trustee for the municipal corporation, shall collect the fees levied by this division and forward them to the treasurer of the municipal corporation or such officer as, by virtue of the charter, has the duties of the treasurer in accordance with rules adopted under this section. The owner or operator of a facility located in an unincorporated area, as a trustee of the county in which the facility is located, shall collect the fees levied by this division and forward them to the county treasurer of that county in accordance with rules adopted under this section. The owner or operator shall pay the fees levied by this division to the treasurer or such other officer of the municipal corporation or to the county treasurer each year upon the anniversary of the date of issuance of the owner's or operator's installation and operation permit during the term of that permit and any renewal permit issued under division (H) of section 3734.05 of the Revised Code. If payment is late, the owner or operator shall pay an additional ten per cent of the amount of the fee for each month that the payment is late.

Moneys received by a municipal corporation under this division shall be paid into a special fund of the municipal corporation and used exclusively for the purposes of conducting reviews of applications for hazardous waste facility installation and operation permits for new or modified hazardous waste landfills located or proposed within the municipal corporation, conducting emergency response actions with respect to releases of hazardous waste from facilities located within the municipal corporation, monitoring operation of such hazardous waste facilities, and conducting waste management planning programs

within the municipal corporation through employees of the 40656
municipal corporation or pursuant to contracts entered into with 40657
persons or political subdivisions. Moneys received by a board of 40658
county commissioners under this division shall be paid into a 40659
special fund of the county and used exclusively for those purposes 40660
within the unincorporated area of the county through employees of 40661
the county or pursuant to contracts entered into with persons or 40662
political subdivisions. 40663

(D) As used in this section, "treatment" or "treated" does 40664
not include any method, technique, or process designed to recover 40665
energy or material resources from the waste or to render the waste 40666
amenable for recovery. The fees levied by division (B) of this 40667
section do not apply to hazardous waste that is treated and 40668
disposed of on the same premises or by the same person. 40669

(E) The director, by rules adopted in accordance with 40670
Chapters 119. and 3745. of the Revised Code, shall prescribe any 40671
dates not specified in this section and procedures for collecting 40672
and forwarding the fees prescribed by this section and may 40673
prescribe other requirements that are necessary to carry out this 40674
section. 40675

The director shall deposit the moneys collected under 40676
divisions (A) and (B) of this section into one or more minority 40677
banks, as "minority bank" is defined in division (F)(1) of section 40678
135.04 of the Revised Code, to the credit of the hazardous waste 40679
facility management fund, which is hereby created in the state 40680
treasury, except that the director shall deposit to the credit of 40681
the underground injection control fund created in section 6111.046 40682
of the Revised Code moneys in excess of fifty thousand dollars 40683
that are collected during a fiscal year under division (A)(2) of 40684
this section from the fee levied on the disposal of hazardous 40685
waste by deep well injection at an on-site disposal facility that 40686
disposes of more than one hundred thousand tons of hazardous waste 40687

in a year. 40688

The environmental protection agency ~~and the hazardous waste~~ 40689
~~facility board~~ may use moneys in the hazardous waste facility 40690
management fund for administration of the hazardous waste program 40691
established under this chapter and, in accordance with this 40692
section, may request approval by the controlling board for that 40693
use on an annual basis. In addition, the agency may use and pledge 40694
moneys in that fund for repayment of and for interest on any loans 40695
made by the Ohio water development authority to the agency for the 40696
hazardous waste program established under this chapter without the 40697
necessity of requesting approval by the controlling board, which 40698
use and pledge shall have priority over any other use of the 40699
moneys in the fund. 40700

Until September 28, 1996, the director also may use moneys in 40701
the fund to pay the start-up costs of administering Chapter 3746. 40702
of the Revised Code. 40703

If moneys in the fund that the agency uses in accordance with 40704
this chapter are reimbursed by grants or other moneys from the 40705
United States government, the grants or other moneys shall be 40706
placed in the fund. 40707

Before the agency makes any expenditure from the fund other 40708
than for repayment of and interest on any loan made by the Ohio 40709
water development authority to the agency in accordance with this 40710
section, the controlling board shall approve the expenditure. 40711

Sec. 3734.28. All moneys collected under sections 3734.122, 40712
3734.13, 3734.20, 3734.22, 3734.24, and 3734.26 of the Revised 40713
Code and natural resource damages collected by the state under the 40714
"Comprehensive Environmental Response, Compensation, and Liability 40715
Act of 1980," 94 Stat. 2767, 42 U.S.C.A. 9601, as amended, shall 40716
be paid into the state treasury to the credit of the hazardous 40717
waste clean-up fund, which is hereby created. The environmental 40718

protection agency shall use the moneys in the fund for the 40719
purposes set forth in division (D) of section 3734.122, sections 40720
3734.19, 3734.20, 3734.21, 3734.23, 3734.25, 3734.26, and 3734.27, 40721
and, through ~~June 30, 2003~~ October 15, 2005, divisions (A)(1) and 40722
(2) of section 3745.12 and Chapter 3746. of the Revised Code, 40723
including any related enforcement expenses. In addition, the 40724
agency shall use the moneys in the fund to pay the state's 40725
long-term operation and maintenance costs or matching share for 40726
actions taken under the "Comprehensive Environmental Response, 40727
Compensation, and Liability Act of 1980," as amended. If those 40728
moneys are reimbursed by grants or other moneys from the United 40729
States or any other person, the moneys shall be placed in the fund 40730
and not in the general revenue fund. 40731

Sec. 3734.42. (A)(1) Except as otherwise provided in division 40732
(E)(2) of this section, every applicant for a permit other than a 40733
permit modification or renewal shall file a disclosure statement, 40734
on a form developed by the attorney general, with the director of 40735
environmental protection and the attorney general at the same time 40736
the applicant files an application for a permit other than a 40737
permit modification or renewal with the director. 40738

(2) Any individual required to be listed in the disclosure 40740
statement shall be fingerprinted for identification and 40741
investigation purposes in accordance with procedures established 40742
by the attorney general. An individual required to be 40743
fingerprinted under this section shall not be required to be 40744
fingerprinted more than once under this section. 40745

(3) The attorney general, within one hundred eighty days 40746
after receipt of the disclosure statement from an applicant for a 40747
permit, shall prepare and transmit to the director an 40748
investigative report on the applicant, based in part upon the 40749

disclosure statement, except that this deadline may be extended 40750
for a reasonable period of time, for good cause, by the director 40751
or the attorney general. In preparing this report, the attorney 40752
general may request and receive criminal history information from 40753
the federal bureau of investigation and any other law enforcement 40754
agency or organization. The attorney general may provide such 40755
confidentiality regarding the information received from a law 40756
enforcement agency as may be imposed by that agency as a condition 40757
for providing that information to the attorney general. 40758

(4) The review of the application by the director ~~or the~~ 40759
~~hazardous waste facility board~~ shall include a review of the 40760
disclosure statement and investigative report. 40761

(B) All applicants and permittees shall provide any 40762
assistance or information requested by the director or the 40763
attorney general and shall cooperate in any inquiry or 40764
investigation conducted by the attorney general and any inquiry, 40765
investigation, or hearing conducted by the director ~~or the~~ 40766
~~hazardous waste facility board~~. If, upon issuance of a formal 40767
request to answer any inquiry or produce information, evidence, or 40768
testimony, any applicant or permittee, any officer, director, or 40769
partner of any business concern, or any key employee of the 40770
applicant or permittee refuses to comply, the permit of the 40771
applicant or permittee may be denied or revoked by the director ~~or~~ 40772
~~the board~~. 40773

(C) The attorney general may charge and collect such fees 40774
from applicants and permittees as are necessary to cover the costs 40775
of administering and enforcing the investigative procedures 40776
authorized in sections 3734.41 to 3734.47 of the Revised Code. The 40777
attorney general shall transmit moneys collected under this 40778
division to the treasurer of state to be credited to the solid and 40779
hazardous waste background investigations fund, which is hereby 40780
created in the state treasury. Moneys in the fund shall be used 40781

solely for paying the attorney general's costs of administering 40782
and enforcing the investigative procedures authorized in sections 40783
3734.41 to 3734.47 of the Revised Code. 40784

(D) Annually on the anniversary date of the submission to the 40785
director by the attorney general of the investigative report for a 40786
specific facility, or annually on another date assigned by the 40787
attorney general, the appropriate applicant, permittee, or 40788
prospective owner shall submit to the attorney general, on a form 40789
provided by the attorney general, any and all information required 40790
to be included in a disclosure statement that has changed or been 40791
added in the immediately preceding year. If, in the immediately 40792
preceding year, there have been no changes in or additions to the 40793
information required to be included in a disclosure statement, the 40794
appropriate applicant, permittee, or prospective owner shall 40795
submit to the attorney general an affidavit stating that there 40796
have been no changes in or additions to that information during 40797
that time period. 40798

Notwithstanding the requirement for an annual submission of 40799
information, the following information shall be submitted within 40800
the periods specified: 40801

(1) Information required to be included in the disclosure 40802
statement for any new officer, director, partner, or key employee, 40803
to be submitted within ninety days from the addition of the 40804
officer, director, partner, or key employee; 40805

(2) Information required to be included in a disclosure 40806
statement for any new business concern, to be submitted within 40807
ninety days from the addition of the new business concern; 40808

(3) Information regarding any new criminal conviction, to be 40809
submitted within ninety days from the judgment entry of 40810
conviction. 40811

The failure to provide such information may constitute the 40812

basis for the revocation or denial of renewal of any permit or 40813
license issued in accordance with this chapter, provided that 40814
prior to any such denial or revocation, the director shall notify 40815
the applicant or permittee of the director's intention to do so 40816
and give the applicant or permittee fourteen days from the date of 40817
the notice to explain why the information was not provided. The 40818
director shall consider this information when determining whether 40819
to revoke or deny the permit or license. 40820

Nothing in this division affects the rights of the director 40821
or the attorney general granted under sections 3734.40 to 3734.47 40822
of the Revised Code to request information from a person at any 40823
other time. 40824

(E)(1) Except as otherwise provided in division (E)(2) of 40825
this section, every permittee who is not otherwise required to 40826
file a disclosure statement shall file a disclosure statement 40827
within five years after June 24, 1988, pursuant to a schedule for 40828
submissions of disclosure statements developed by the attorney 40829
general. The schedule shall provide all permittees and holders of 40830
a license with at least one hundred eighty days' notice prior to 40831
the date upon which the statement is to be submitted. All other 40832
terms of the schedule shall be established at the discretion of 40833
the attorney general and shall not be subject to judicial review. 40834

(2) An applicant for a permit for an off-site solid waste 40835
facility that is a scrap tire storage, monocell, monofill, or 40836
recovery facility issued under section 3734.76, 3734.77, or 40837
3734.78 of the Revised Code, as applicable, shall file a 40838
disclosure statement within five years after October 29, 1993, 40839
pursuant to a schedule for submissions of disclosure statements 40840
developed by the attorney general. The schedule shall provide all 40841
such applicants with at least one hundred eighty days' notice 40842
prior to the date upon which the statement shall be submitted. All 40843
other terms of the schedule shall be established at the discretion 40844

of the attorney general and shall not be subject to judicial 40845
review. 40846

Beginning five years after October 29, 1993, an applicant for 40847
such a permit shall file a disclosure statement in accordance with 40848
division (A)(1) of this section. 40849

(3) When a permittee submits a disclosure statement at the 40850
time it submits an application for a renewal or modification of 40851
its permit, the attorney general shall remove the permittee from 40852
the submission schedule established pursuant to division (E)(1) or 40853
(2) of this section. 40854

(4) After receiving a disclosure statement under division 40855
(E)(1) or (2) of this section, the attorney general shall prepare 40856
an investigative report and transmit it to the director. The 40857
director shall review the disclosure statement and investigative 40858
report to determine whether the statement or report contains 40859
information that if submitted with a permit application would 40860
require a denial of the permit pursuant to section 3734.44 of the 40861
Revised Code. If the director determines that the statement or 40862
report contains such information, the director may revoke any 40863
previously issued permit pursuant to section 3734.45 of the 40864
Revised Code, or the director shall deny any application for a 40865
renewal of a permit or license. When the renewal of the license is 40866
being performed by a board of health, the director shall instruct 40867
the board of health about those circumstances under which the 40868
renewal is required to be denied by this section. 40869

(F)(1) Whenever there is a change in ownership of any 40870
off-site solid waste facility, including incinerators, any 40871
transfer facility, any off-site infectious waste treatment 40872
facility, or any off-site hazardous waste treatment, storage, or 40873
disposal facility, the prospective owner shall file a disclosure 40874
statement with the attorney general and the director at least one 40875
hundred eighty days prior to the proposed change in ownership. 40876

Upon receipt of the disclosure statement, the attorney general 40877
shall prepare an investigative report and transmit it to the 40878
director. The director shall review the disclosure statement and 40879
investigative report to determine whether the statement or report 40880
contains information that if submitted with a permit application 40881
would require a denial of the permit pursuant to section 3734.44 40882
of the Revised Code. If the director determines that the statement 40883
or report contains such information, the director shall disapprove 40884
the change in ownership. 40885

(2) If the parties to a change in ownership decide to proceed 40886
with the change prior to the action of the director on the 40887
disclosure statement and investigative report, the parties shall 40888
include in all contracts or other documents reflecting the change 40889
in ownership language expressly making the change in ownership 40890
subject to the approval of the director and expressly negating the 40891
change if it is disapproved by the director pursuant to division 40892
(F)(1) of this section. 40893

(3) As used in this section, "change in ownership" includes 40894
any change in the names, other than those of officers, directors, 40895
partners, or key employees, contained in the disclosure statement. 40896

Sec. 3734.44. Notwithstanding the provisions of any law to 40897
the contrary, no permit or license shall be issued or renewed by 40898
the director of environmental protection, ~~the hazardous waste~~ 40899
~~facility board,~~ or a board of health: 40900

(A) Unless the director, ~~the hazardous waste facility board,~~ 40901
or the board of health finds that the applicant, in any prior 40902
performance record in the transportation, transfer, treatment, 40903
storage, or disposal of solid wastes, infectious wastes, or 40904
hazardous waste, has exhibited sufficient reliability, expertise, 40905
and competency to operate the solid waste, infectious waste, or 40906
hazardous waste facility, given the potential for harm to human 40907

health and the environment that could result from the 40908
irresponsible operation of the facility, or, if no prior record 40909
exists, that the applicant is likely to exhibit that reliability, 40910
expertise, and competence; 40911

(B) If any individual or business concern required to be 40912
listed in the disclosure statement or shown to have a beneficial 40913
interest in the business of the applicant or the permittee, other 40914
than an equity interest or debt liability, by the investigation 40915
thereof, has been convicted of any of the following crimes under 40916
the laws of this state or equivalent laws of any other 40917
jurisdiction: 40918

(1) Murder; 40919

(2) Kidnapping; 40920

(3) Gambling; 40921

(4) Robbery; 40922

(5) Bribery; 40923

(6) Extortion; 40924

(7) Criminal usury; 40925

(8) Arson; 40926

(9) Burglary; 40927

(10) Theft and related crimes; 40928

(11) Forgery and fraudulent practices; 40929

(12) Fraud in the offering, sale, or purchase of securities; 40930

(13) Alteration of motor vehicle identification numbers; 40931

(14) Unlawful manufacture, purchase, use, or transfer of 40932
firearms; 40933

(15) Unlawful possession or use of destructive devices or 40934
explosives; 40935

(16) Violation of section 2925.03, 2925.04, 2925.05, 2925.06, 40936
2925.11, 2925.32, or 2925.37 or Chapter 3719. of the Revised Code, 40937
unless the violation is for possession of less than one hundred 40938
grams of marihuana, less than five grams of marihuana resin or 40939
extraction or preparation of marihuana resin, or less than one 40940
gram of marihuana resin in a liquid concentrate, liquid extract, 40941
or liquid distillate form; 40942

(17) Engaging in a pattern of corrupt activity under section 40943
2923.32 of the Revised Code; 40944

(18) Violation of criminal provisions of Chapter 1331. of the 40945
Revised Code; 40946

(19) Any violation of the criminal provisions of any federal 40947
or state environmental protection laws, rules, or regulations that 40948
is committed knowingly or recklessly, as defined in section 40949
2901.22 of the Revised Code; 40950

(20) Violation of Chapter 2909. of the Revised Code; 40951

(21) Any offense specified in Chapter 2921. of the Revised 40952
Code. 40953

(C) Notwithstanding division (B) of this section, no 40954
applicant shall be denied the issuance or renewal of a permit or 40955
license on the basis of a conviction of any individual or business 40956
concern required to be listed in the disclosure statement or shown 40957
to have a beneficial interest in the business of the applicant or 40958
the permittee, other than an equity interest or debt liability, by 40959
the investigation thereof for any of the offenses enumerated in 40960
that division as disqualification criteria if that applicant has 40961
affirmatively demonstrated rehabilitation of the individual or 40962
business concern by a preponderance of the evidence. If any such 40963
individual was convicted of any of the offenses so enumerated that 40964
are felonies, a permit shall be denied unless five years have 40965
elapsed since the individual was fully discharged from 40966

imprisonment and parole for the offense, from a post-release 40967
control sanction imposed under section 2967.28 of the Revised Code 40968
for the offense, or imprisonment, probation, and parole for an 40969
offense that was committed prior to the effective date of this 40970
amendment. In determining whether an applicant has affirmatively 40971
demonstrated rehabilitation, the director, ~~the hazardous waste~~ 40972
~~facility board,~~ or the board of health shall request a 40973
recommendation on the matter from the attorney general and shall 40974
consider and base the determination on the following factors: 40975

(1) The nature and responsibilities of the position a 40976
convicted individual would hold; 40977

(2) The nature and seriousness of the offense; 40978

(3) The circumstances under which the offense occurred; 40979

(4) The date of the offense; 40980

(5) The age of the individual when the offense was committed; 40981

(6) Whether the offense was an isolated or repeated incident; 40982

(7) Any social conditions that may have contributed to the 40983
offense; 40984

(8) Any evidence of rehabilitation, including good conduct in 40985
prison or in the community, counseling or psychiatric treatment 40986
received, acquisition of additional academic or vocational 40987
schooling, successful participation in correctional work release 40988
programs, or the recommendation of persons who have or have had 40989
the applicant under their supervision; 40990

(9) In the instance of an applicant that is a business 40991
concern, rehabilitation shall be established if the applicant has 40992
implemented formal management controls to minimize and prevent the 40993
occurrence of violations and activities that will or may result in 40994
permit or license denial or revocation or if the applicant has 40995
formalized those controls as a result of a revocation or denial of 40996

a permit or license. Those controls may include, but are not 40997
limited to, instituting environmental auditing programs to help 40998
ensure the adequacy of internal systems to achieve, maintain, and 40999
monitor compliance with applicable environmental laws and 41000
standards or instituting an antitrust compliance auditing program 41001
to help ensure full compliance with applicable antitrust laws. The 41002
business concern shall prove by a preponderance of the evidence 41003
that the management controls are effective in preventing the 41004
violations that are the subject of concern. 41005

(D) Unless the director, ~~the hazardous waste facility board,~~ 41006
or the board of health finds that the applicant has a history of 41007
compliance with environmental laws in this state and other 41008
jurisdictions and is presently in substantial compliance with, or 41009
on a legally enforceable schedule that will result in compliance 41010
with, environmental laws in this state and other jurisdictions. ~~i~~ 41011

(E) With respect to the approval of a permit, if the director 41012
~~or the hazardous waste facility board~~ determines that current 41013
prosecutions or pending charges in any jurisdiction for any of the 41014
offenses enumerated in division (B) of this section against any 41015
individual or business concern required to be listed in the 41016
disclosure statement or shown by the investigation to have a 41017
beneficial interest in the business of the applicant other than an 41018
equity interest or debt liability are of such magnitude that they 41019
prevent making the finding required under division (A) of this 41020
section, provided that at the request of the applicant or the 41021
individual or business concern charged, the director ~~or the~~ 41022
~~hazardous waste facility board~~ shall defer decision upon the 41023
application during the pendency of the charge. 41024

Sec. 3734.46. Notwithstanding the disqualification of the 41025
applicant or permittee pursuant to this chapter, the director of 41026
environmental protection, ~~hazardous waste facility board,~~ or the 41027

board of health may issue or renew a permit or license if the 41028
applicant or permittee severs the interest of or affiliation with 41029
the individual or business concern that would otherwise cause that 41030
disqualification or may issue or renew a license on a temporary 41031
basis for a period not to exceed six months if the director or the 41032
board of health determines that the issuance or renewal of the 41033
permit or license is necessitated by the public interest. 41034

Sec. 3734.57. (A) For the purposes of paying the state's 41035
long-term operation costs or matching share for actions taken 41036
under the "Comprehensive Environmental Response, Compensation, and 41037
Liability Act of 1980," 94 Stat. 2767, 42 U.S.C.A. 9601, as 41038
amended; paying the costs of measures for proper clean-up of sites 41039
where polychlorinated biphenyls and substances, equipment, and 41040
devices containing or contaminated with polychlorinated biphenyls 41041
have been stored or disposed of; paying the costs of conducting 41042
surveys or investigations of solid waste facilities or other 41043
locations where it is believed that significant quantities of 41044
hazardous waste were disposed of and for conducting enforcement 41045
actions arising from the findings of such surveys or 41046
investigations; paying the costs of acquiring and cleaning up, or 41047
providing financial assistance for cleaning up, any hazardous 41048
waste facility or solid waste facility containing significant 41049
quantities of hazardous waste, that constitutes an imminent and 41050
substantial threat to public health or safety or the environment; 41051
and, from July 1, ~~2001~~ 2003, through June 30, ~~2004~~ 2006, for the 41052
purposes of paying the costs of administering and enforcing the 41053
laws pertaining to solid wastes, infectious wastes, and 41054
construction and demolition debris, including, without limitation, 41055
ground water evaluations related to solid wastes, infectious 41056
wastes, and construction and demolition debris, under this chapter 41057
and Chapter 3714. of the Revised Code and any rules adopted under 41058
them, and paying a share of the administrative costs of the 41059

environmental protection agency pursuant to section 3745.014 of 41060
the Revised Code, the following fees are hereby levied on the 41061
disposal of solid wastes in this state: 41062

(1) One dollar per ton on and after July 1, 1993; 41063

(2) An additional ~~seventy five cents~~ one dollar per ton on 41064
and after July 1, ~~2001~~ 2003, through June 30, ~~2004~~ 2006. 41065

The owner or operator of a solid waste disposal facility 41066
shall collect the fees levied under this division as a trustee for 41067
the state and shall prepare and file with the director of 41068
environmental protection monthly returns indicating the total 41069
tonnage of solid wastes received for disposal at the gate of the 41070
facility and the total amount of the fees collected under this 41071
division. Not later than thirty days after the last day of the 41072
month to which such a return applies, the owner or operator shall 41073
mail to the director the return for that month together with the 41074
fees collected during that month as indicated on the return. The 41075
owner or operator may request an extension of not more than thirty 41076
days for filing the return and remitting the fees, provided that 41077
the owner or operator has submitted such a request in writing to 41078
the director together with a detailed description of why the 41079
extension is requested, the director has received the request not 41080
later than the day on which the return is required to be filed, 41081
and the director has approved the request. If the fees are not 41082
remitted within sixty days after the last day of the month during 41083
which they were collected, the owner or operator shall pay an 41084
additional fifty per cent of the amount of the fees for each month 41085
that they are late. 41086

One-half of the moneys remitted to the director under 41087
division (A)(1) of this section shall be credited to the hazardous 41088
waste facility management fund created in section 3734.18 of the 41089
Revised Code, and one-half shall be credited to the hazardous 41090
waste clean-up fund created in section 3734.28 of the Revised 41091

Code. The moneys remitted to the director under division (A)(2) of 41092
this section shall be credited to the solid waste fund, which is 41093
hereby created in the state treasury. The environmental protection 41094
agency shall use moneys in the solid waste fund only to pay the 41095
costs of administering and enforcing the laws pertaining to solid 41096
wastes, infectious wastes, and construction and demolition debris, 41097
including, without limitation, ground water evaluations related to 41098
solid wastes, infectious wastes, and construction and demolition 41099
debris, under this chapter and Chapter 3714. of the Revised Code 41100
and rules adopted under them and to pay a share of the 41101
administrative costs of the environmental protection agency 41102
pursuant to section 3745.014 of the Revised Code. 41103

The fees levied under this division and divisions (B) and (C) 41104
of this section are in addition to all other applicable fees and 41105
taxes and shall be added to any other fee or amount specified in a 41106
contract that is charged by the owner or operator of a solid waste 41107
disposal facility or to any other fee or amount that is specified 41108
in a contract entered into on or after March 4, 1992, and that is 41109
charged by a transporter of solid wastes. 41110

(B) For the purpose of preparing, revising, and implementing 41111
the solid waste management plan of the county or joint solid waste 41112
management district, including, without limitation, the 41113
development and implementation of solid waste recycling or 41114
reduction programs; providing financial assistance to boards of 41115
health within the district, if solid waste facilities are located 41116
within the district, for the enforcement of this chapter and rules 41117
adopted and orders and terms and conditions of permits, licenses, 41118
and variances issued under it, other than the hazardous waste 41119
provisions of this chapter and rules adopted and orders and terms 41120
and conditions of permits issued under those provisions; providing 41121
financial assistance to the county to defray the added costs of 41122
maintaining roads and other public facilities and of providing 41123

emergency and other public services resulting from the location 41124
and operation of a solid waste facility within the county under 41125
the district's approved solid waste management plan; paying the 41126
costs incurred by boards of health for collecting and analyzing 41127
water samples from public or private wells on lands adjacent to 41128
solid waste facilities that are contained in the approved or 41129
amended plan of the district; paying the costs of developing and 41130
implementing a program for the inspection of solid wastes 41131
generated outside the boundaries of this state that are disposed 41132
of at solid waste facilities included in the district's approved 41133
solid waste management plan or amended plan; providing financial 41134
assistance to boards of health within the district for enforcing 41135
laws prohibiting open dumping; providing financial assistance to 41136
local law enforcement agencies within the district for enforcing 41137
laws and ordinances prohibiting littering; providing financial 41138
assistance to boards of health of health districts within the 41139
district that are on the approved list under section 3734.08 of 41140
the Revised Code for the training and certification required for 41141
their employees responsible for solid waste enforcement by rules 41142
adopted under division (L) of section 3734.02 of the Revised Code; 41143
providing financial assistance to individual municipal 41144
corporations and townships within the district to defray their 41145
added costs of maintaining roads and other public facilities and 41146
of providing emergency and other public services resulting from 41147
the location and operation within their boundaries of a 41148
composting, energy or resource recovery, incineration, or 41149
recycling facility that either is owned by the district or is 41150
furnishing solid waste management facility or recycling services 41151
to the district pursuant to a contract or agreement with the board 41152
of county commissioners or directors of the district; and payment 41153
of any expenses that are agreed to, awarded, or ordered to be paid 41154
under section 3734.35 of the Revised Code and of any 41155
administrative costs incurred pursuant to that section, the solid 41156

waste management policy committee of a county or joint solid waste 41157
management district may levy fees upon the following activities: 41158

(1) The disposal at a solid waste disposal facility located 41159
in the district of solid wastes generated within the district; 41160

(2) The disposal at a solid waste disposal facility within 41161
the district of solid wastes generated outside the boundaries of 41162
the district, but inside this state; 41163

(3) The disposal at a solid waste disposal facility within 41164
the district of solid wastes generated outside the boundaries of 41165
this state. 41166

If any such fees are levied prior to January 1, 1994, fees 41167
levied under division (B)(1) of this section always shall be equal 41168
to one-half of the fees levied under division (B)(2) of this 41169
section, and fees levied under division (B)(3) of this section, 41170
which shall be in addition to fees levied under division (B)(2) of 41171
this section, always shall be equal to fees levied under division 41172
(B)(1) of this section, except as otherwise provided in this 41173
division. The solid waste management plan of the county or joint 41174
district approved under section 3734.521 or 3734.55 of the Revised 41175
Code and any amendments to it, or the resolution adopted under 41176
this division, as appropriate, shall establish the rates of the 41177
fees levied under divisions (B)(1), (2), and (3) of this section, 41178
if any, and shall specify whether the fees are levied on the basis 41179
of tons or cubic yards as the unit of measurement. Although the 41180
fees under divisions (A)(1) and (2) of this section are levied on 41181
the basis of tons as the unit of measurement, the solid waste 41182
management plan of the district and any amendments to it or the 41183
solid waste management policy committee in its resolution levying 41184
fees under this division may direct that the fees levied under 41185
those divisions be levied on the basis of cubic yards as the unit 41186
of measurement based upon a conversion factor of three cubic yards 41187
per ton generally or one cubic yard per ton for baled wastes if 41188

the fees under divisions (B)(1) to (3) of this section are being 41189
levied on the basis of cubic yards as the unit of measurement 41190
under the plan, amended plan, or resolution. 41191

On and after January 1, 1994, the fee levied under division 41192
(B)(1) of this section shall be not less than one dollar per ton 41193
nor more than two dollars per ton, the fee levied under division 41194
(B)(2) of this section shall be not less than two dollars per ton 41195
nor more than four dollars per ton, and the fee levied under 41196
division (B)(3) of this section shall be not more than the fee 41197
levied under division (B)(1) of this section, except as otherwise 41198
provided in this division and notwithstanding any schedule of 41199
those fees established in the solid waste management plan of a 41200
county or joint district approved under section 3734.55 of the 41201
Revised Code or a resolution adopted and ratified under this 41202
division that is in effect on that date. If the fee that a 41203
district is levying under division (B)(1) of this section on that 41204
date under its approved plan or such a resolution is less than one 41205
dollar per ton, the fee shall be one dollar per ton on and after 41206
January 1, 1994, and if the fee that a district is so levying 41207
under that division exceeds two dollars per ton, the fee shall be 41208
two dollars per ton on and after that date. If the fee that a 41209
district is so levying under division (B)(2) of this section is 41210
less than two dollars per ton, the fee shall be two dollars per 41211
ton on and after that date, and if the fee that the district is so 41212
levying under that division exceeds four dollars per ton, the fee 41213
shall be four dollars per ton on and after that date. On that 41214
date, the fee levied by a district under division (B)(3) of this 41215
section shall be equal to the fee levied under division (B)(1) of 41216
this section. Except as otherwise provided in this division, the 41217
fees established by the operation of this amendment shall remain 41218
in effect until the district's resolution levying fees under this 41219
division is amended or repealed in accordance with this division 41220
to amend or abolish the schedule of fees, the schedule of fees is 41221

amended or abolished in an amended plan of the district approved 41222
under section 3734.521 or division (A) or (D) of section 3734.56 41223
of the Revised Code, or the schedule of fees is amended or 41224
abolished through an amendment to the district's plan under 41225
division (E) of section 3734.56 of the Revised Code; the 41226
notification of the amendment or abolishment of the fees has been 41227
given in accordance with this division; and collection of the 41228
amended fees so established commences, or collection of the fees 41229
ceases, in accordance with this division. 41230

The solid waste management policy committee of a district 41231
levying fees under divisions (B)(1) to (3) of this section on 41232
October 29, 1993, under its solid waste management plan approved 41233
under section 3734.55 of the Revised Code or a resolution adopted 41234
and ratified under this division that are within the ranges of 41235
rates prescribed by this amendment, by adoption of a resolution 41236
not later than December 1, 1993, and without the necessity for 41237
ratification of the resolution under this division, may amend 41238
those fees within the prescribed ranges, provided that the 41239
estimated revenues from the amended fees will not substantially 41240
exceed the estimated revenues set forth in the district's budget 41241
for calendar year 1994. Not later than seven days after the 41242
adoption of such a resolution, the committee shall notify by 41243
certified mail the owner or operator of each solid waste disposal 41244
facility that is required to collect the fees of the adoption of 41245
the resolution and of the amount of the amended fees. Collection 41246
of the amended fees shall take effect on the first day of the 41247
first month following the month in which the notification is sent 41248
to the owner or operator. The fees established in such a 41249
resolution shall remain in effect until the district's resolution 41250
levying fees that was adopted and ratified under this division is 41251
amended or repealed, and the amendment or repeal of the resolution 41252
is ratified, in accordance with this division, to amend or abolish 41253
the fees, the schedule of fees is amended or abolished in an 41254

amended plan of the district approved under section 3734.521 or 41255
division (A) or (D) of section 3734.56 of the Revised Code, or the 41256
schedule of fees is amended or abolished through an amendment to 41257
the district's plan under division (E) of section 3734.56 of the 41258
Revised Code; the notification of the amendment or abolishment of 41259
the fees has been given in accordance with this division; and 41260
collection of the amended fees so established commences, or 41261
collection of the fees ceases, in accordance with this division. 41262

Prior to the approval of the solid waste management plan of 41263
the district under section 3734.55 of the Revised Code, the solid 41264
waste management policy committee of a district may levy fees 41265
under this division by adopting a resolution establishing the 41266
proposed amount of the fees. Upon adopting the resolution, the 41267
committee shall deliver a copy of the resolution to the board of 41268
county commissioners of each county forming the district and to 41269
the legislative authority of each municipal corporation and 41270
township under the jurisdiction of the district and shall prepare 41271
and publish the resolution and a notice of the time and location 41272
where a public hearing on the fees will be held. Upon adopting the 41273
resolution, the committee shall deliver written notice of the 41274
adoption of the resolution; of the amount of the proposed fees; 41275
and of the date, time, and location of the public hearing to the 41276
director and to the fifty industrial, commercial, or institutional 41277
generators of solid wastes within the district that generate the 41278
largest quantities of solid wastes, as determined by the 41279
committee, and to their local trade associations. The committee 41280
shall make good faith efforts to identify those generators within 41281
the district and their local trade associations, but the 41282
nonprovision of notice under this division to a particular 41283
generator or local trade association does not invalidate the 41284
proceedings under this division. The publication shall occur at 41285
least thirty days before the hearing. After the hearing, the 41286
committee may make such revisions to the proposed fees as it 41287

considers appropriate and thereafter, by resolution, shall adopt 41288
the revised fee schedule. Upon adopting the revised fee schedule, 41289
the committee shall deliver a copy of the resolution doing so to 41290
the board of county commissioners of each county forming the 41291
district and to the legislative authority of each municipal 41292
corporation and township under the jurisdiction of the district. 41293
Within sixty days after the delivery of a copy of the resolution 41294
adopting the proposed revised fees by the policy committee, each 41295
such board and legislative authority, by ordinance or resolution, 41296
shall approve or disapprove the revised fees and deliver a copy of 41297
the ordinance or resolution to the committee. If any such board or 41298
legislative authority fails to adopt and deliver to the policy 41299
committee an ordinance or resolution approving or disapproving the 41300
revised fees within sixty days after the policy committee 41301
delivered its resolution adopting the proposed revised fees, it 41302
shall be conclusively presumed that the board or legislative 41303
authority has approved the proposed revised fees. 41304

In the case of a county district or a joint district formed 41305
by two or three counties, the committee shall declare the proposed 41306
revised fees to be ratified as the fee schedule of the district 41307
upon determining that the board of county commissioners of each 41308
county forming the district has approved the proposed revised fees 41309
and that the legislative authorities of a combination of municipal 41310
corporations and townships with a combined population within the 41311
district comprising at least sixty per cent of the total 41312
population of the district have approved the proposed revised 41313
fees, provided that in the case of a county district, that 41314
combination shall include the municipal corporation having the 41315
largest population within the boundaries of the district, and 41316
provided further that in the case of a joint district formed by 41317
two or three counties, that combination shall include for each 41318
county forming the joint district the municipal corporation having 41319
the largest population within the boundaries of both the county in 41320

which the municipal corporation is located and the joint district. 41321
In the case of a joint district formed by four or more counties, 41322
the committee shall declare the proposed revised fees to be 41323
ratified as the fee schedule of the joint district upon 41324
determining that the boards of county commissioners of a majority 41325
of the counties forming the district have approved the proposed 41326
revised fees; that, in each of a majority of the counties forming 41327
the joint district, the proposed revised fees have been approved 41328
by the municipal corporation having the largest population within 41329
the county and the joint district; and that the legislative 41330
authorities of a combination of municipal corporations and 41331
townships with a combined population within the joint district 41332
comprising at least sixty per cent of the total population of the 41333
joint district have approved the proposed revised fees. 41334

For the purposes of this division, only the population of the 41335
unincorporated area of a township shall be considered. For the 41336
purpose of determining the largest municipal corporation within 41337
each county under this division, a municipal corporation that is 41338
located in more than one solid waste management district, but that 41339
is under the jurisdiction of one county or joint solid waste 41340
management district in accordance with division (A) of section 41341
3734.52 of the Revised Code shall be considered to be within the 41342
boundaries of the county in which a majority of the population of 41343
the municipal corporation resides. 41344

The committee may amend the schedule of fees levied pursuant 41345
to a resolution or amended resolution adopted and ratified under 41346
this division by adopting a resolution establishing the proposed 41347
amount of the amended fees. The committee may abolish the fees 41348
levied pursuant to such a resolution or amended resolution by 41349
adopting a resolution proposing to repeal them. Upon adopting such 41350
a resolution, the committee shall proceed to obtain ratification 41351
of the resolution in accordance with this division. 41352

Not later than fourteen days after declaring the fees or 41353
amended fees to be ratified under this division, the committee 41354
shall notify by certified mail the owner or operator of each solid 41355
waste disposal facility that is required to collect the fees of 41356
the ratification and the amount of the fees. Collection of any 41357
fees or amended fees ratified on or after March 24, 1992, shall 41358
commence on the first day of the second month following the month 41359
in which notification is sent to the owner or operator. 41360

Not later than fourteen days after declaring the repeal of 41361
the district's schedule of fees to be ratified under this 41362
division, the committee shall notify by certified mail the owner 41363
or operator of each facility that is collecting the fees of the 41364
repeal. Collection of the fees shall cease on the first day of the 41365
second month following the month in which notification is sent to 41366
the owner or operator. 41367

Not later than fourteen days after the director issues an 41368
order approving a district's solid waste management plan under 41369
section 3734.55 of the Revised Code or amended plan under division 41370
(A) or (D) of section 3734.56 of the Revised Code that establishes 41371
or amends a schedule of fees levied by the district, or the 41372
ratification of an amendment to the district's approved plan or 41373
amended plan under division (E) of section 3734.56 of the Revised 41374
Code that establishes or amends a schedule of fees, as 41375
appropriate, the committee shall notify by certified mail the 41376
owner or operator of each solid waste disposal facility that is 41377
required to collect the fees of the approval of the plan or 41378
amended plan, or the amendment to the plan, as appropriate, and 41379
the amount of the fees or amended fees. In the case of an initial 41380
or amended plan approved under section 3734.521 of the Revised 41381
Code in connection with a change in district composition, other 41382
than one involving the withdrawal of a county from a joint 41383
district, that establishes or amends a schedule of fees levied 41384

under divisions (B)(1) to (3) of this section by a district 41385
resulting from the change, the committee, within fourteen days 41386
after the change takes effect pursuant to division (G) of that 41387
section, shall notify by certified mail the owner or operator of 41388
each solid waste disposal facility that is required to collect the 41389
fees that the change has taken effect and of the amount of the 41390
fees or amended fees. Collection of any fees set forth in a plan 41391
or amended plan approved by the director on or after April 16, 41392
1993, or an amendment of a plan or amended plan under division (E) 41393
of section 3734.56 of the Revised Code that is ratified on or 41394
after April 16, 1993, shall commence on the first day of the 41395
second month following the month in which notification is sent to 41396
the owner or operator. 41397

Not later than fourteen days after the director issues an 41398
order approving a district's plan under section 3734.55 of the 41399
Revised Code or amended plan under division (A) or (D) of section 41400
3734.56 of the Revised Code that abolishes the schedule of fees 41401
levied under divisions (B)(1) to (3) of this section, or an 41402
amendment to the district's approved plan or amended plan 41403
abolishing the schedule of fees is ratified pursuant to division 41404
(E) of section 3734.56 of the Revised Code, as appropriate, the 41405
committee shall notify by certified mail the owner or operator of 41406
each facility that is collecting the fees of the approval of the 41407
plan or amended plan, or the amendment of the plan or amended 41408
plan, as appropriate, and the abolishment of the fees. In the case 41409
of an initial or amended plan approved under section 3734.521 of 41410
the Revised Code in connection with a change in district 41411
composition, other than one involving the withdrawal of a county 41412
from a joint district, that abolishes the schedule of fees levied 41413
under divisions (B)(1) to (3) of this section by a district 41414
resulting from the change, the committee, within fourteen days 41415
after the change takes effect pursuant to division (G) of that 41416
section, shall notify by certified mail the owner or operator of 41417

each solid waste disposal facility that is required to collect the 41418
fees that the change has taken effect and of the abolishment of 41419
the fees. Collection of the fees shall cease on the first day of 41420
the second month following the month in which notification is sent 41421
to the owner or operator. 41422

Except as otherwise provided in this division, if the 41423
schedule of fees that a district is levying under divisions (B)(1) 41424
to (3) of this section pursuant to a resolution or amended 41425
resolution adopted and ratified under this division, the solid 41426
waste management plan of the district approved under section 41427
3734.55 of the Revised Code, an amended plan approved under 41428
division (A) or (D) of section 3734.56 of the Revised Code, or an 41429
amendment to the district's approved plan or amended plan under 41430
division (E) of section 3734.56 of the Revised Code, is amended by 41431
the adoption and ratification of an amendment to the resolution or 41432
amended resolution or an amendment of the district's approved plan 41433
or amended plan, the fees in effect immediately prior to the 41434
approval of the plan or the amendment of the resolution, amended 41435
resolution, plan, or amended plan, as appropriate, shall continue 41436
to be collected until collection of the amended fees commences 41437
pursuant to this division. 41438

If, in the case of a change in district composition involving 41439
the withdrawal of a county from a joint district, the director 41440
completes the actions required under division (G)(1) or (3) of 41441
section 3734.521 of the Revised Code, as appropriate, forty-five 41442
days or more before the beginning of a calendar year, the policy 41443
committee of each of the districts resulting from the change that 41444
obtained the director's approval of an initial or amended plan in 41445
connection with the change, within fourteen days after the 41446
director's completion of the required actions, shall notify by 41447
certified mail the owner or operator of each solid waste disposal 41448
facility that is required to collect the district's fees that the 41449

change is to take effect on the first day of January immediately 41450
following the issuance of the notice and of the amount of the fees 41451
or amended fees levied under divisions (B)(1) to (3) of this 41452
section pursuant to the district's initial or amended plan as so 41453
approved or, if appropriate, the abolishment of the district's 41454
fees by that initial or amended plan. Collection of any fees set 41455
forth in such a plan or amended plan shall commence on the first 41456
day of January immediately following the issuance of the notice. 41457
If such an initial or amended plan abolishes a schedule of fees, 41458
collection of the fees shall cease on that first day of January. 41459

If, in the case of a change in district composition involving 41460
the withdrawal of a county from a joint district, the director 41461
completes the actions required under division (G)(1) or (3) of 41462
section 3734.521 of the Revised Code, as appropriate, less than 41463
forty-five days before the beginning of a calendar year, the 41464
director, on behalf of each of the districts resulting from the 41465
change that obtained the director's approval of an initial or 41466
amended plan in connection with the change proceedings, shall 41467
notify by certified mail the owner or operator of each solid waste 41468
disposal facility that is required to collect the district's fees 41469
that the change is to take effect on the first day of January 41470
immediately following the mailing of the notice and of the amount 41471
of the fees or amended fees levied under divisions (B)(1) to (3) 41472
of this section pursuant to the district's initial or amended plan 41473
as so approved or, if appropriate, the abolishment of the 41474
district's fees by that initial or amended plan. Collection of any 41475
fees set forth in such a plan or amended plan shall commence on 41476
the first day of the second month following the month in which 41477
notification is sent to the owner or operator. If such an initial 41478
or amended plan abolishes a schedule of fees, collection of the 41479
fees shall cease on the first day of the second month following 41480
the month in which notification is sent to the owner or operator. 41481

In the case of a change in district composition, the schedule 41482
of fees that the former districts that existed prior to the change 41483
were levying under divisions (B)(1) to (3) of this section 41484
pursuant to a resolution or amended resolution adopted and 41485
ratified under this division, the solid waste management plan of a 41486
former district approved under section 3734.521 or 3734.55 of the 41487
Revised Code, an amended plan approved under section 3734.521 or 41488
division (A) or (D) of section 3734.56 of the Revised Code, or an 41489
amendment to a former district's approved plan or amended plan 41490
under division (E) of section 3734.56 of the Revised Code, and 41491
that were in effect on the date that the director completed the 41492
actions required under division (G)(1) or (3) of section 3734.521 41493
of the Revised Code shall continue to be collected until the 41494
collection of the fees or amended fees of the districts resulting 41495
from the change is required to commence, or if an initial or 41496
amended plan of a resulting district abolishes a schedule of fees, 41497
collection of the fees is required to cease, under this division. 41498
Moneys so received from the collection of the fees of the former 41499
districts shall be divided among the resulting districts in 41500
accordance with division (B) of section 343.012 of the Revised 41501
Code and the agreements entered into under division (B) of section 41502
343.01 of the Revised Code to establish the former and resulting 41503
districts and any amendments to those agreements. 41504

For the purposes of the provisions of division (B) of this 41505
section establishing the times when newly established or amended 41506
fees levied by a district are required to commence and the 41507
collection of fees that have been amended or abolished is required 41508
to cease, "fees" or "schedule of fees" includes, in addition to 41509
fees levied under divisions (B)(1) to (3) of this section, those 41510
levied under section 3734.573 or 3734.574 of the Revised Code. 41511

(C) For the purposes of defraying the added costs to a 41512
municipal corporation or township of maintaining roads and other 41513

public facilities and of providing emergency and other public 41514
services, and compensating a municipal corporation or township for 41515
reductions in real property tax revenues due to reductions in real 41516
property valuations resulting from the location and operation of a 41517
solid waste disposal facility within the municipal corporation or 41518
township, a municipal corporation or township in which such a 41519
solid waste disposal facility is located may levy a fee of not 41520
more than twenty-five cents per ton on the disposal of solid 41521
wastes at a solid waste disposal facility located within the 41522
boundaries of the municipal corporation or township regardless of 41523
where the wastes were generated. 41524

The legislative authority of a municipal corporation or 41525
township may levy fees under this division by enacting an 41526
ordinance or adopting a resolution establishing the amount of the 41527
fees. Upon so doing the legislative authority shall mail a 41528
certified copy of the ordinance or resolution to the board of 41529
county commissioners or directors of the county or joint solid 41530
waste management district in which the municipal corporation or 41531
township is located or, if a regional solid waste management 41532
authority has been formed under section 343.011 of the Revised 41533
Code, to the board of trustees of that regional authority, the 41534
owner or operator of each solid waste disposal facility in the 41535
municipal corporation or township that is required to collect the 41536
fee by the ordinance or resolution, and the director of 41537
environmental protection. Although the fees levied under this 41538
division are levied on the basis of tons as the unit of 41539
measurement, the legislative authority, in its ordinance or 41540
resolution levying the fees under this division, may direct that 41541
the fees be levied on the basis of cubic yards as the unit of 41542
measurement based upon a conversion factor of three cubic yards 41543
per ton generally or one cubic yard per ton for baled wastes. 41544

Not later than five days after enacting an ordinance or 41545

adopting a resolution under this division, the legislative 41546
authority shall so notify by certified mail the owner or operator 41547
of each solid waste disposal facility that is required to collect 41548
the fee. Collection of any fee levied on or after March 24, 1992, 41549
shall commence on the first day of the second month following the 41550
month in which notification is sent to the owner or operator. 41551

(D)(1) The fees levied under divisions (A), (B), and (C) of 41552
this section do not apply to the disposal of solid wastes that: 41553

(a) Are disposed of at a facility owned by the generator of 41554
the wastes when the solid waste facility exclusively disposes of 41555
solid wastes generated at one or more premises owned by the 41556
generator regardless of whether the facility is located on a 41557
premises where the wastes are generated; 41558

(b) Are disposed of at facilities that exclusively dispose of 41559
wastes that are generated from the combustion of coal, or from the 41560
combustion of primarily coal in combination with scrap tires, that 41561
is not combined in any way with garbage at one or more premises 41562
owned by the generator. 41563

(2) Except as provided in section 3734.571 of the Revised 41564
Code, any fees levied under division (B)(1) of this section apply 41565
to solid wastes originating outside the boundaries of a county or 41566
joint district that are covered by an agreement for the joint use 41567
of solid waste facilities entered into under section 343.02 of the 41568
Revised Code by the board of county commissioners or board of 41569
directors of the county or joint district where the wastes are 41570
generated and disposed of. 41571

(3) When solid wastes, other than solid wastes that consist 41572
of scrap tires, are burned in a disposal facility that is an 41573
incinerator or energy recovery facility, the fees levied under 41574
divisions (A), (B), and (C) of this section shall be levied upon 41575
the disposal of the fly ash and bottom ash remaining after burning 41576

of the solid wastes and shall be collected by the owner or 41577
operator of the sanitary landfill where the ash is disposed of. 41578

(4) When solid wastes are delivered to a solid waste transfer 41579
facility, the fees levied under divisions (A), (B), and (C) of 41580
this section shall be levied upon the disposal of solid wastes 41581
transported off the premises of the transfer facility for disposal 41582
and shall be collected by the owner or operator of the solid waste 41583
disposal facility where the wastes are disposed of. 41584

(5) The fees levied under divisions (A), (B), and (C) of this 41585
section do not apply to sewage sludge that is generated by a waste 41586
water treatment facility holding a national pollutant discharge 41587
elimination system permit and that is disposed of through 41588
incineration, land application, or composting or at another 41589
resource recovery or disposal facility that is not a landfill. 41590

(6) The fees levied under divisions (A), (B), and (C) of this 41591
section do not apply to solid wastes delivered to a solid waste 41592
composting facility for processing. When any unprocessed solid 41593
waste or compost product is transported off the premises of a 41594
composting facility and disposed of at a landfill, the fees levied 41595
under divisions (A), (B), and (C) of this section shall be 41596
collected by the owner or operator of the landfill where the 41597
unprocessed waste or compost product is disposed of. 41598

(7) When solid wastes that consist of scrap tires are 41599
processed at a scrap tire recovery facility, the fees levied under 41600
divisions (A), (B), and (C) of this section shall be levied upon 41601
the disposal of the fly ash and bottom ash or other solid wastes 41602
remaining after the processing of the scrap tires and shall be 41603
collected by the owner or operator of the solid waste disposal 41604
facility where the ash or other solid wastes are disposed of. 41605

(E) The fees levied under divisions (B) and (C) of this 41606
section shall be collected by the owner or operator of the solid 41607

waste disposal facility where the wastes are disposed of as a trustee for the county or joint district and municipal corporation 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 41640
section and the fee levied under division (A) of section 3734.573 41641
of the Revised Code shall be expended by the board of county 41642
commissioners or directors of the district in accordance with the 41643
district's solid waste management plan or amended plan approved 41644
under section 3734.521, 3734.55, or 3734.56 of the Revised Code 41645
exclusively for the following purposes: 41646

(1) Preparation of the solid waste management plan of the 41647
district under section 3734.54 of the Revised Code, monitoring 41648
implementation of the plan, and conducting the periodic review and 41649
amendment of the plan required by section 3734.56 of the Revised 41650
Code by the solid waste management policy committee; 41651

(2) Implementation of the approved solid waste management 41652
plan or amended plan of the district, including, without 41653
limitation, the development and implementation of solid waste 41654
recycling or reduction programs; 41655

(3) Providing financial assistance to boards of health within 41656
the district, if solid waste facilities are located within the 41657
district, for enforcement of this chapter and rules, orders, and 41658
terms and conditions of permits, licenses, and variances adopted 41659
or issued under it, other than the hazardous waste provisions of 41660
this chapter and rules adopted and orders and terms and conditions 41661
of permits issued under those provisions; 41662

(4) Providing financial assistance to each county within the 41663
district to defray the added costs of maintaining roads and other 41664
public facilities and of providing emergency and other public 41665
services resulting from the location and operation of a solid 41666
waste facility within the county under the district's approved 41667
solid waste management plan or amended plan; 41668

(5) Pursuant to contracts entered into with boards of health 41669
within the district, if solid waste facilities contained in the 41670

district's approved plan or amended plan are located within the 41671
district, for paying the costs incurred by those boards of health 41672
for collecting and analyzing samples from public or private water 41673
wells on lands adjacent to those facilities; 41674

(6) Developing and implementing a program for the inspection 41675
of solid wastes generated outside the boundaries of this state 41676
that are disposed of at solid waste facilities included in the 41677
district's approved solid waste management plan or amended plan; 41678

(7) Providing financial assistance to boards of health within 41679
the district for the enforcement of section 3734.03 of the Revised 41680
Code or to local law enforcement agencies having jurisdiction 41681
within the district for enforcing anti-littering laws and 41682
ordinances; 41683

(8) Providing financial assistance to boards of health of 41684
health districts within the district that are on the approved list 41685
under section 3734.08 of the Revised Code to defray the costs to 41686
the health districts for the participation of their employees 41687
responsible for enforcement of the solid waste provisions of this 41688
chapter and rules adopted and orders and terms and conditions of 41689
permits, licenses, and variances issued under those provisions in 41690
the training and certification program as required by rules 41691
adopted under division (L) of section 3734.02 of the Revised Code; 41692

(9) Providing financial assistance to individual municipal 41693
corporations and townships within the district to defray their 41694
added costs of maintaining roads and other public facilities and 41695
of providing emergency and other public services resulting from 41696
the location and operation within their boundaries of a 41697
composting, energy or resource recovery, incineration, or 41698
recycling facility that either is owned by the district or is 41699
furnishing solid waste management facility or recycling services 41700
to the district pursuant to a contract or agreement with the board 41701
of county commissioners or directors of the district; 41702

(10) Payment of any expenses that are agreed to, awarded, or 41703
ordered to be paid under section 3734.35 of the Revised Code and 41704
of any administrative costs incurred pursuant to that section. In 41705
the case of a joint solid waste management district, if the board 41706
of county commissioners of one of the counties in the district is 41707
negotiating on behalf of affected communities, as defined in that 41708
section, in that county, the board shall obtain the approval of 41709
the board of directors of the district in order to expend moneys 41710
for administrative costs incurred. 41711

Prior to the approval of the district's solid waste 41712
management plan under section 3734.55 of the Revised Code, moneys 41713
in the special fund of the district arising from the fees shall be 41714
expended for those purposes in the manner prescribed by the solid 41715
waste management policy committee by resolution. 41716

Notwithstanding division (G)(6) of this section as it existed 41717
prior to October 29, 1993, or any provision in a district's solid 41718
waste management plan prepared in accordance with division 41719
(B)(2)(e) of section 3734.53 of the Revised Code as it existed 41720
prior to that date, any moneys arising from the fees levied under 41721
division (B)(3) of this section prior to January 1, 1994, may be 41722
expended for any of the purposes authorized in divisions (G)(1) to 41723
(10) of this section. 41724

(H) The director shall adopt rules in accordance with Chapter 41725
119. of the Revised Code prescribing procedures for collecting and 41726
forwarding the fees levied under divisions (B) and (C) of this 41727
section to the boards of county commissioners or directors of 41728
county or joint solid waste management districts and to the 41729
treasurers or other officers of municipal corporations or to the 41730
clerks of townships. The rules also shall prescribe the dates for 41731
forwarding the fees to the boards and officials and may prescribe 41732
any other requirements the director considers necessary or 41733
appropriate to implement and administer divisions (A), (B), and 41734

(C) of this section. Collection of the fees levied under division 41735
(A)(1) of this section shall commence on July 1, 1993. Collection 41736
of the fees levied under division (A)(2) of this section shall 41737
commence on January 1, 1994. 41738

Sec. 3735.27. (A) Whenever the director of development has 41739
determined that there is need for a housing authority in any 41740
portion of any county that comprises two or more political 41741
subdivisions or portions ~~thereof~~ of two or more political 41742
subdivisions but is less than all the territory within the county, 41743
a metropolitan housing authority shall be declared to exist, and 41744
the territorial limits ~~thereof~~ of the authority shall be defined, 41745
by a letter from the director. The director shall issue a 41746
determination from the department of development declaring that 41747
there is need for a housing authority within ~~such~~ those 41748
territorial limits after finding either of the following: 41749

(1) Unsanitary or unsafe inhabited housing accommodations 41750
exist in ~~such~~ that area; 41751

(2) There is a shortage of safe and sanitary housing 41752
accommodations in ~~such~~ that area available to persons who lack the 41753
amount of income ~~which~~ that is necessary, as determined by the 41754
director, to enable them, without financial assistance, to live in 41755
decent, safe, and sanitary dwellings without congestion. 41756

In determining whether dwelling accommodations are unsafe or 41757
unsanitary, the director may take into consideration the degree of 41758
congestion, the percentage of land coverage, the light, air, 41759
space, and access available to the inhabitants of ~~such~~ the 41760
dwelling accommodations, the size and arrangement of ~~the~~ rooms, 41761
the sanitary facilities, and the extent to which conditions exist 41762
in ~~such buildings which~~ the dwelling accommodations that endanger 41763
life or property by fire or other causes. 41764

The territorial limits of a metropolitan housing authority, 41765

as defined by the director, under this division shall be fixed for 41766
~~such~~ the authority upon proof of a letter from the director 41767
declaring the need for ~~such~~ the authority to function in those 41768
territorial limits. Any such letter from the director, any 41769
certificate of determination issued by the director, and any 41770
certificate of appointment of members of the authority shall be 41771
admissible in evidence in any suit, action, or proceeding. 41772

A certified copy of the letter from the director, declaring 41773
the existence of a metropolitan housing authority and ~~boundaries~~ 41774
the territorial limits of ~~a housing authority~~ its district, shall 41775
be immediately forwarded to each appointing authority. A 41776
metropolitan housing authority shall consist of ~~five~~ members, who 41777
~~shall be~~ are residents of the territory ~~embraced in such~~ 41778
~~metropolitan housing authority district~~ which they serve. 41779

(B) Except as otherwise provided in division (C), (D), or (E) 41780
of this section, one member shall be appointed by the probate 41781
court, one member by the court of common pleas, one member by the 41782
board of county commissioners, and two members by the chief 41783
executive officer of the most populous city in the ~~territory~~ 41784
~~included in the~~ district, in accordance with the last preceding 41785
federal census. At the time of the initial appointment of the 41786
authority, the member appointed by the probate court shall be 41787
appointed for a period of four years, the ~~appointee of member~~ 41788
appointed by the court of common pleas shall be appointed for 41789
three years, the ~~appointee of member appointed by~~ the board of 41790
county commissioners shall be appointed for two years, one 41791
~~appointee of the member appointed by the~~ chief executive officer 41792
of the most populous city in the district shall be appointed for 41793
one year, and ~~one appointee of the~~ other member appointed by the 41794
chief executive officer of the most populous city in the district 41795
shall be appointed for five years. Thereafter, all members of the 41796
authority shall be appointed for five-year terms, and vacancies 41797

due to expired terms shall be filled ~~by the same appointing powers~~ 41798
in the manner provided in the original appointments. 41799

(C) For any metropolitan housing authority district that 41800
contained, as of the 1990 federal census, a population of at least 41801
one million, two members of the authority shall be appointed by 41802
the ~~municipal~~ legislative authority of the most populous city in 41803
the ~~territory included in the~~ district, two members shall be 41804
appointed by the chief executive officer of the most populous city 41805
in the ~~territory included in the~~ district, and one member shall be 41806
appointed by the chief executive officer, with the approval of the 41807
~~municipal~~ legislative authority, of the city in the district ~~which~~ 41808
that has the second highest number of housing units owned or 41809
managed by the authority. 41810

At the time of the initial appointment of the authority, one 41811
member appointed by the ~~municipal~~ legislative authority of the 41812
most populous city in the ~~territory included in the~~ district shall 41813
be appointed for three years, and one such member shall be 41814
appointed for one year; the ~~appointee of member appointed by~~ the 41815
chief executive officer of the city with the second highest number 41816
of housing units owned or managed by the authority shall be 41817
appointed, with the approval of the ~~municipal~~ legislative 41818
authority, for three years; and one appointee of member appointed 41819
by the chief executive officer of the most populous city in the 41820
district shall be appointed for three years, and one such member 41821
shall be appointed for one year. Thereafter, all members of the 41822
authority shall be appointed for three-year terms, and any vacancy 41823
shall be filled by the same appointing power that made the initial 41824
appointment. At the expiration of the term of any member appointed 41825
by the chief executive officer of the most populous city in the 41826
~~territory included in the~~ district prior to March 15, 1983, the 41827
chief executive officer of the most populous city in the district 41828
shall fill the vacancy by appointment for a three-year term. At 41829

the expiration of the term of any member appointed by the board of 41830
county commissioners prior to March 15, 1983, the chief executive 41831
officer of the city in the district with the second highest number 41832
of housing units owned or managed by the authority shall, with the 41833
approval of the municipal legislative authority, fill the vacancy 41834
by appointment for a three-year term. At the expiration of the 41835
term of any member appointed prior to March 15, 1983, by the court 41836
of common pleas or the probate court, the legislative authority of 41837
the most populous city in the ~~territory included in the~~ district 41838
shall fill the vacancy by appointment for a three-year term. 41839

After March 15, 1983, at least one of the members appointed 41840
by the chief executive officer of the most populous city shall be 41841
a resident of a dwelling unit owned or managed by the ~~housing~~ 41842
authority. At least one of the initial appointments by the chief 41843
executive officer of the most populous city, after March 15, 1983, 41844
shall be a resident of a dwelling unit owned or managed by the 41845
~~housing~~ authority. Thereafter, any member appointed by the chief 41846
executive officer of the most populous city for the term 41847
established by this initial appointment, or for any succeeding 41848
term ~~thereof~~, shall be a person who resides in a dwelling unit 41849
owned or managed by the ~~housing~~ authority. If there is an elected, 41850
representative body of all residents of the ~~housing~~ authority, 41851
~~then~~ the chief executive officer of the most populous city shall, 41852
whenever there is a vacancy in this resident term, provide written 41853
notice of the vacancy to the representative body. If the 41854
representative body submits to the chief executive officer of the 41855
most populous city, in writing and within sixty days after the 41856
date on which it was notified of the vacancy, the names of at 41857
least five residents of the ~~housing~~ authority who are willing and 41858
qualified to serve as a member, ~~then~~ the chief executive officer 41859
of the most populous city shall appoint to the resident term one 41860
of the residents recommended by the representative body. At no 41861
time shall residents constitute a majority of the members of the 41862

authority. 41863

(D)(1) For any metropolitan housing authority district 41864
located in a county that had, as of the 2000 federal census, a 41865
population of at least four hundred thousand and no city with a 41866
population greater than thirty per cent of the total population of 41867
the county, one member of the authority shall be appointed by the 41868
probate court, one member shall be appointed by the court of 41869
common pleas, one member shall be appointed by the chief executive 41870
officer of the most populous city in the district, and two members 41871
shall be appointed by the board of county commissioners. 41872

(2) At the time of the initial appointment of a metropolitan 41873
housing authority pursuant to this division, the member appointed 41874
by the probate court shall be appointed for a period of four 41875
years, the member appointed by the court of common pleas shall be 41876
appointed for three years, the member appointed by the chief 41877
executive officer of the most populous city shall be appointed for 41878
two years, one member appointed by the board of county 41879
commissioners shall be appointed for one year, and the other 41880
member appointed by the board of county commissioners shall be 41881
appointed for five years. Thereafter, all members of the authority 41882
shall be appointed for five-year terms, with each term ending on 41883
the same day of the same month as the term that it succeeds. 41884
Vacancies shall be filled in the manner provided in the original 41885
appointments. Any member appointed to fill a vacancy occurring 41886
prior to the expiration of the term shall hold office as a member 41887
for the remainder of that term. 41888

(E)(1) An additional two members shall be appointed to the 41889
metropolitan housing authority in any district that has three 41890
hundred or more assisted housing units and that does not have at 41891
least one resident as a member of its authority. For the purposes 41892
of this section an "assisted unit" is a housing unit owned or 41893
operated by the housing authority or a unit in which the occupants 41894

receive tenant-based housing assistance through the federal 41895
section 8 housing program, 24 C.F.R. Ch VIII, and, a "resident" is 41896
a person who lives in an assisted housing unit. 41897

(2) The chief executive officer of the most populous city in 41898
the district shall appoint an additional member who is a resident 41899
for an initial term of five years. The board of county 41900
commissioners shall appoint the other additional member, who need 41901
not be a resident, for an initial term of three years. After the 41902
initial term, the terms of both members shall be five years and 41903
vacancies shall be filled in the manner provided in the original 41904
appointments. Any member appointed to fill a vacancy occurring 41905
prior to the expiration of the term for which the member's 41906
predecessor was appointed shall hold office as a member for the 41907
remainder of that term. 41908

(3) A member appointed as a resident member who no longer 41909
qualifies as a resident shall be deemed unable to serve and 41910
another resident member shall be appointed to serve the unexpired 41911
portion of that term. 41912

(F) Public officials, other than the officers having the 41913
appointing power under this section, shall be eligible to serve as 41914
members, officers, or employees of the a metropolitan housing 41915
authority notwithstanding any statute, charter, or law to the 41916
contrary. Not more than two such public officials shall be members 41917
of the authority at any one time. 41918

All members of ~~such housing~~ an authority shall serve without 41919
compensation but shall be entitled to be reimbursed for all 41920
necessary expenses incurred. ~~After such~~ 41921

After a metropolitan housing authority district has been is 41922
formed, the director may enlarge the territory within ~~such the~~ 41923
district to include other political subdivisions, or portions 41924
thereof of other political subdivisions, but the territorial 41925

limits of ~~which~~ the district shall be less than that of the 41926
county. 41927

Sec. 3735.66. The legislative authorities of municipal 41928
corporations and counties may survey the housing within their 41929
jurisdictions and, after the survey, may adopt resolutions 41930
describing the boundaries of community reinvestment areas which 41931
contain the conditions required for the finding under division (B) 41932
of section 3735.65 of the Revised Code. The findings resulting 41933
from the survey shall be incorporated in the resolution describing 41934
the boundaries of an area. The legislative authority may stipulate 41935
in the resolution that only new structures or remodeling 41936
classified as to use as commercial, industrial, or residential, or 41937
some combination thereof, and otherwise satisfying the 41938
requirements of section 3735.67 of the Revised Code are eligible 41939
for exemption from taxation under that section. If the resolution 41940
does not include such a stipulation, all new structures and 41941
remodeling satisfying the requirements of section 3735.67 of the 41942
Revised Code are eligible for exemption from taxation regardless 41943
of classification. Whether or not the resolution includes such a 41944
stipulation, the classification of the structures or remodeling 41945
eligible for exemption in the area shall at all times be 41946
consistent with zoning restrictions applicable to the area. For 41947
the purposes of sections 3735.65 to 3735.70 of the Revised Code, 41948
whether a structure or remodeling composed of multiple units is 41949
classified as commercial or residential shall be determined by 41950
resolution or ordinance of the legislative authority or, in the 41951
absence of such a determination, by the classification of the use 41952
of the structure or remodeling under the applicable zoning 41953
regulations. 41954

If construction or remodeling classified as residential is 41955
eligible for exemption from taxation, the resolution shall specify 41956
a percentage, not to exceed one hundred per cent, of the assessed 41957

valuation of such property to be exempted. The percentage 41958
specified shall apply to all residential construction or 41959
remodeling for which exemption is granted. 41960

The resolution adopted pursuant to this section shall be 41961
published in a newspaper of general circulation in the municipal 41962
corporation, if the resolution is adopted by the legislative 41963
authority of a municipal corporation, or in a newspaper of general 41964
circulation in the county, if the resolution is adopted by the 41965
legislative authority of the county, once a week for two 41966
consecutive weeks immediately following its adoption. 41967

Each legislative authority adopting a resolution pursuant to 41968
this section shall designate a housing officer. In addition, each 41969
such legislative authority, not later than fifteen days after the 41970
adoption of the resolution, shall petition the director of 41971
development for the director to confirm the findings described in 41972
the resolution. The petition shall be accompanied by a copy of the 41973
resolution and by a map of the community reinvestment area in 41974
sufficient detail to denote the specific boundaries of the area 41975
and to indicate zoning restrictions applicable to the area. The 41976
director shall determine whether the findings contained in the 41977
resolution are valid, and whether the classification of structures 41978
or remodeling eligible for exemption under the resolution is 41979
consistent with zoning restrictions applicable to the area as 41980
indicated on the map. Within thirty days of receiving the 41981
petition, the director shall forward ~~his~~ the director's 41982
determination to the legislative authority. The legislative 41983
authority or housing officer shall not grant any exemption from 41984
taxation under section 3735.67 of the Revised Code until the 41985
director forwards ~~his~~ the director's determination to the 41986
legislative authority. The director shall assign to each community 41987
reinvestment area a unique designation by which the area shall be 41988
identified for purposes of sections 3735.65 to 3735.70 of the 41989

Revised Code. 41990

If zoning restrictions in any part of a community 41991
reinvestment area are changed at any time after the legislative 41992
authority petitions the director under this section, the 41993
legislative authority shall notify the director and shall submit a 41994
map of the area indicating the new zoning restrictions in the 41995
area. 41996

Sec. 3735.67. (A) The owner of real property located in a 41997
community reinvestment area and eligible for exemption from 41998
taxation under a resolution adopted pursuant to section 3735.66 of 41999
the Revised Code may file an application for an exemption from 42000
real property taxation of a percentage of the assessed valuation 42001
of a new structure or remodeling, completed after the effective 42002
date of the resolution adopted pursuant to section 3735.66 of the 42003
Revised Code, with the housing officer designated pursuant to 42004
section 3735.66 of the Revised Code for the community reinvestment 42005
area in which the property is located. If any part of the new 42006
structure or remodeling that would be exempted is of real property 42007
to be used for commercial or industrial purposes, the legislative 42008
authority and the owner of the property shall enter into a written 42009
agreement pursuant to section 3735.671 of the Revised Code prior 42010
to commencement of construction or remodeling; if such an 42011
agreement is subject to approval by the board of education of the 42012
school district within the territory of which the property is or 42013
will be located, the agreement shall not be formally approved by 42014
the legislative authority until the board of education approves 42015
the agreement in the manner prescribed by that section. 42016

(B) The housing officer shall verify the construction of the 42017
new structure or the cost of the remodeling and the facts asserted 42018
in the application. The housing officer shall determine whether 42019
the construction or the cost of the remodeling meets the 42020

requirements for an exemption under this section. In cases 42021
involving a structure of historical or architectural significance, 42022
the housing officer shall not determine whether the remodeling 42023
meets the requirements for a tax exemption unless the 42024
appropriateness of the remodeling has been certified, in writing, 42025
by the society, association, agency, or legislative authority that 42026
has designated the structure or by any organization or person 42027
authorized, in writing, by such society, association, agency, or 42028
legislative authority to certify the appropriateness of the 42029
remodeling. 42030

(C) If the construction or remodeling meets the requirements 42031
for exemption, the housing officer shall forward the application 42032
to the county auditor with a certification as to the division of 42033
this section under which the exemption is granted, and the period 42034
and percentage of the exemption as determined by the legislative 42035
authority pursuant to that division. If the construction or 42036
remodeling is of commercial or industrial property and the 42037
legislative authority is not required to certify a copy of a 42038
resolution under section 3735.671 of the Revised Code, the housing 42039
officer shall comply with the notice requirements prescribed under 42040
section 5709.83 of the Revised Code, unless the board has adopted 42041
a resolution under that section waiving its right to receive such 42042
a notice. 42043

(D) The tax exemption shall first apply in the year the 42044
construction or remodeling would first be taxable but for this 42045
section. In the case of remodeling that qualifies for exemption, a 42046
percentage, not to exceed one hundred per cent, of the amount by 42047
which the remodeling increased the assessed value of the structure 42048
shall be exempted from real property taxation. In the case of 42049
construction of a structure that qualifies for exemption, a 42050
percentage, not to exceed one hundred per cent, of the assessed 42051
value of the structure shall be exempted from real property 42052

taxation. In either case, the percentage shall be the percentage 42053
set forth in the agreement if the structure or remodeling is to be 42054
used for commercial or industrial purposes, or the percentage set 42055
forth in the resolution describing the community reinvestment area 42056
if the structure or remodeling is to be used for residential 42057
purposes. 42058

The construction of new structures and the remodeling of 42059
existing structures are hereby declared to be a public purpose for 42060
which exemptions from real property taxation may be granted for 42061
the following periods: 42062

(1) For every dwelling containing not more than two family 42063
units located within the same community reinvestment area and upon 42064
which the cost of remodeling is at least two thousand five hundred 42065
dollars, a period to be determined by the legislative authority 42066
adopting the resolution describing the community reinvestment area 42067
where the dwelling is located, but not exceeding ten years; 42068

(2) For every dwelling containing more than two units and 42069
commercial or industrial properties, located within the same 42070
community reinvestment area, upon which the cost of remodeling is 42071
at least five thousand dollars, a period to be determined by the 42072
legislative authority adopting the resolution, but not exceeding 42073
twelve years; 42074

(3) For construction of every dwelling, and commercial or 42075
industrial structure located within the same community 42076
reinvestment area, a period to be determined by the legislative 42077
authority adopting the resolution, but not exceeding fifteen 42078
years. 42079

(E) Any person, board, or officer authorized by section 42080
5715.19 of the Revised Code to file complaints with the county 42081
board of revision may file a complaint with the housing officer 42082
challenging the continued exemption of any property granted an 42083

exemption under this section. A complaint against exemption shall 42084
be filed prior to the thirty-first day of December of the tax year 42085
for which taxation of the property is requested. The housing 42086
officer shall determine whether the property continues to meet the 42087
requirements for exemption and shall certify the housing officer's 42088
findings to the complainant. If the housing officer determines 42089
that the property does not meet the requirements for exemption, 42090
the housing officer shall notify the county auditor, who shall 42091
correct the tax list and duplicate accordingly. 42092

Sec. 3735.671. (A) If construction or remodeling of 42093
commercial or industrial property is to be exempted from taxation 42094
pursuant to section 3735.67 of the Revised Code, the legislative 42095
authority and the owner of the property, prior to the commencement 42096
of construction or remodeling, shall enter into a written 42097
agreement, binding on both parties for a period of time that does 42098
not end prior to the end of the period of the exemption, that 42099
includes all of the information and statements prescribed by this 42100
section. Agreements may include terms not prescribed by this 42101
section, but such terms shall in no way derogate from the 42102
information and statements prescribed by this section. 42103

(1) Except as otherwise provided in division (A)(2) or (3) of 42104
this section, an agreement entered into under this section shall 42105
not be approved by the legislative authority unless the board of 42106
education of the city, local, or exempted village school district 42107
within the territory of which the property is or will be located 42108
approves the agreement. For the purpose of obtaining such 42109
approval, the legislative authority shall certify a copy of the 42110
agreement to the board of education not later than forty-five days 42111
prior to approving the agreement, excluding Saturday, Sunday, and 42112
a legal holiday as defined in section 1.14 of the Revised Code. 42113
The board of education, by resolution adopted by a majority of the 42114
board, shall approve or disapprove the agreement and certify a 42115

copy of the resolution to the legislative authority not later than 42116
fourteen days prior to the date stipulated by the legislative 42117
authority as the date upon which approval of the agreement is to 42118
be formally considered by the legislative authority. The board of 42119
education may include in the resolution conditions under which the 42120
board would approve the agreement. The legislative authority may 42121
approve an agreement at any time after the board of education 42122
certifies its resolution approving the agreement to the 42123
legislative authority, or, if the board approves the agreement 42124
conditionally, at any time after the conditions are agreed to by 42125
the board and the legislative authority. 42126

(2) Approval of an agreement by the board of education is not 42127
required under division (A)(1) of this section if, for each tax 42128
year the real property is exempted from taxation, the sum of the 42129
following quantities, as estimated at or prior to the time the 42130
agreement is formally approved by the legislative authority, 42131
equals or exceeds fifty per cent of the amount of taxes, as 42132
estimated at or prior to that time, that would have been charged 42133
and payable that year upon the real property had that property not 42134
been exempted from taxation: 42135

(a) The amount of taxes charged and payable on any portion of 42136
the assessed valuation of the new structure or remodeling that 42137
will not be exempted from taxation under the agreement; 42138

(b) The amount of taxes charged and payable on tangible 42139
personal property located on the premises of the new structure or 42140
of the structure to be remodeled under the agreement, whether 42141
payable by the owner of the structure or by a related member, as 42142
defined in section 5733.042 of the Revised Code without regard to 42143
division (B) of that section. 42144

(c) The amount of any cash payment by the owner of the new 42145
structure or structure to be remodeled to the school district, the 42146
dollar value, as mutually agreed to be the owner and the board of 42147

education, of any property or services provided by the owner of 42148
the property to the school district, whether by gift, loan, or 42149
otherwise, and any payment by the legislative authority to the 42150
school district pursuant to section 5709.82 of the Revised Code. 42151

The estimates of quantities used for purposes of division 42152
(A)(2) of this section shall be estimated by the legislative 42153
authority. The legislative authority shall certify to the board of 42154
education that the estimates have been made in good faith. 42155
Departures of the actual quantities from the estimates subsequent 42156
to approval of the agreement by the board of education do not 42157
invalidate the agreement. 42158

(3) If a board of education has adopted a resolution waiving 42159
its right to approve agreements and the resolution remains in 42160
effect, approval of an agreement by the board is not required 42161
under this division. If a board of education has adopted a 42162
resolution allowing a legislative authority to deliver the notice 42163
required under this division fewer than forty-five business days 42164
prior to the legislative authority's execution of the agreement, 42165
the legislative authority shall deliver the notice to the board 42166
not later than the number of days prior to such execution as 42167
prescribed by the board in its resolution. If a board of education 42168
adopts a resolution waiving its right to approve agreements or 42169
shortening the notification period, the board shall certify a copy 42170
of the resolution to the legislative authority. If the board of 42171
education rescinds such a resolution, it shall certify notice of 42172
the rescission to the legislative authority. 42173

(B) Each agreement shall include the following information: 42174

(1) The names of all parties to the agreement; 42175

(2) A description of the remodeling or construction, whether 42176
or not to be exempted from taxation, including existing or new 42177
structure size and cost thereof; the value of machinery, 42178

equipment, furniture, and fixtures, including an itemization of 42179
the value of machinery, equipment, furniture, and fixtures used at 42180
another location in this state prior to the agreement and 42181
relocated or to be relocated from that location to the property, 42182
and the value of machinery, equipment, furniture, and fixtures at 42183
the facility prior to the execution of the agreement; the value of 42184
inventory at the property, including an itemization of the value 42185
of inventory held at another location in this state prior to the 42186
agreement and relocated or to be relocated from that location to 42187
the property, and the value of inventory held at the property 42188
prior to the execution of the agreement; 42189

(3) The scheduled starting and completion dates of remodeling 42190
or construction of real property or of investments made in 42191
machinery, equipment, furniture, fixtures, and inventory; 42192

(4) Estimates of the number of employee positions to be 42193
created each year of the agreement and of the number of employee 42194
positions retained by the owner due to the remodeling or 42195
construction, itemized as to the number of full-time, part-time, 42196
permanent, and temporary positions; 42197

(5) Estimates of the dollar amount of payroll attributable to 42198
the positions set forth in division (B)(4) of this section, 42199
similarly itemized; 42200

(6) The number of employee positions, if any, at the property 42201
and at any other location in this state at the time the agreement 42202
is executed, itemized as to the number of full-time, part-time, 42203
permanent, and temporary positions. 42204

(C) Each agreement shall set forth the following information 42205
and incorporate the following statements: 42206

(1) A description of real property to be exempted from 42207
taxation under the agreement, the percentage of the assessed 42208
valuation of the real property exempted from taxation, and the 42209

period for which the exemption is granted, accompanied by the 42210
statement: "The exemption commences the first year for which the 42211
real property would first be taxable were that property not 42212
exempted from taxation. No exemption shall commence after 42213
..... (insert date) nor extend beyond (insert 42214
date)." ~~The tax commissioner shall adopt rules prescribing the 42215
form the description of such property shall assume in order to 42216
ensure that the property to be exempted from taxation under the 42217
agreement is distinguishable from property that is not to be 42218
exempted under that agreement.~~ 42219

(2) "..... (insert name of owner) shall pay such real 42220
property taxes as are not exempted under this agreement and are 42221
charged against such property and shall file all tax reports and 42222
returns as required by law. If (insert name of owner) 42223
fails to pay such taxes or file such returns and reports, 42224
exemptions from taxation granted under this agreement are 42225
rescinded beginning with the year for which such taxes are charged 42226
or such reports or returns are required to be filed and 42227
thereafter." 42228

(3) "..... (insert name of owner) hereby certifies that 42229
at the time this agreement is executed, (insert name of 42230
owner) does not owe any delinquent real or tangible personal 42231
property taxes to any taxing authority of the State of Ohio, and 42232
does not owe delinquent taxes for which (insert name of 42233
owner) is liable under Chapter 5733., 5735., 5739., 5741., 5743., 42234
5747., or 5753. of the Ohio Revised Code, or, if such delinquent 42235
taxes are owed, (insert name of owner) currently is 42236
paying the delinquent taxes pursuant to an undertaking enforceable 42237
by the State of Ohio or an agent or instrumentality thereof, has 42238
filed a petition in bankruptcy under 11 U.S.C.A. 101, et seq., or 42239
such a petition has been filed against (insert name of 42240
owner). For the purposes of this certification, delinquent taxes 42241

are taxes that remain unpaid on the latest day prescribed for 42242
payment without penalty under the chapter of the Revised Code 42243
governing payment of those taxes." 42244

(4) "..... (insert name of municipal corporation or 42245
county) shall perform such acts as are reasonably necessary or 42246
appropriate to effect, claim, reserve, and maintain exemptions 42247
from taxation granted under this agreement including, without 42248
limitation, joining in the execution of all documentation and 42249
providing any necessary certificates required in connection with 42250
such exemptions." 42251

(5) "If for any reason (insert name of municipal 42252
corporation or county) revokes the designation of the area, 42253
entitlements granted under this agreement shall continue for the 42254
number of years specified under this agreement, unless 42255
(insert name of owner) materially fails to fulfill its obligations 42256
under this agreement and (insert name of 42257
municipal corporation or county) terminates or modifies the 42258
exemptions from taxation pursuant to this agreement." 42259

(6) "If (insert name of owner) materially fails to 42260
fulfill its obligations under this agreement, or if 42261
(insert name of municipal corporation or county) determines that 42262
the certification as to delinquent taxes required by this 42263
agreement is fraudulent, (insert name of municipal 42264
corporation or county) may terminate or modify the exemptions from 42265
taxation granted under this agreement." 42266

(7) "..... (insert name of owner) shall provide to the 42267
proper tax incentive review council any information reasonably 42268
required by the council to evaluate the applicant's compliance 42269
with the agreement, including returns filed pursuant to section 42270
5711.02 of the Ohio Revised Code if requested by the council." 42271

(8) "This agreement is not transferable or assignable without 42272

the express, written approval of (insert name of 42273
municipal corporation or county)." 42274

(9) "Exemptions from taxation granted under this agreement 42275
shall be revoked if it is determined that (insert name 42276
of owner), any successor to that person, or any related member (as 42277
those terms are defined in division (E) of section 3735.671 of the 42278
Ohio Revised Code) has violated the prohibition against entering 42279
into this agreement under division (E) of section 3735.671 or 42280
section 5709.62 or 5709.63 of the Ohio Revised Code prior to the 42281
time prescribed by that division or either of those sections." 42282

(10) "..... (insert name of owner) and 42283
(insert name of municipal corporation or county) acknowledge that 42284
this agreement must be approved by formal action of the 42285
legislative authority of (insert name of municipal 42286
corporation or county) as a condition for the agreement to take 42287
effect. This agreement takes effect upon such approval." 42288

The statement described in division (C)(6) of this section 42289
may include the following statement, appended at the end of the 42290
statement: ", and may require the repayment of the amount of taxes 42291
that would have been payable had the property not been exempted 42292
from taxation under this agreement." 42293

(D) Except as otherwise provided in this division, an 42294
agreement entered into under this section shall require that the 42295
owner pay an annual fee equal to the greater of one per cent of 42296
the amount of taxes exempted under the agreement or five hundred 42297
dollars; provided, however, that if the value of the incentives 42298
exceeds two hundred fifty thousand dollars, the fee shall not 42299
exceed two thousand five hundred dollars. The fee shall be payable 42300
to the legislative authority once per year for each year the 42301
agreement is effective on the days and in the form specified in 42302
the agreement. Fees paid shall be deposited in a special fund 42303
created for such purpose by the legislative authority and shall be 42304

used by the legislative authority exclusively for the purpose of 42305
complying with section 3735.672 of the Revised Code and by the tax 42306
incentive review council created under section 5709.85 of the 42307
Revised Code exclusively for the purposes of performing the duties 42308
prescribed under that section. The legislative authority may waive 42309
or reduce the amount of the fee, but such waiver or reduction does 42310
not affect the obligations of the legislative authority or the tax 42311
incentive review council to comply with section 3735.672 or 42312
5709.85 of the Revised Code. 42313

(E) If any person that is party to an agreement granting an 42314
exemption from taxation discontinues operations at the structure 42315
to which that exemption applies prior to the expiration of the 42316
term of the agreement, that person, any successor to that person, 42317
and any related member shall not enter into an agreement under 42318
this section or section 5709.62, 5709.63, or 5709.632 of the 42319
Revised Code, and no legislative authority shall enter into such 42320
an agreement with such a person, successor, or related member, 42321
prior to the expiration of five years after the discontinuation of 42322
operations. As used in this division, "successor" means a person 42323
to which the assets or equity of another person has been 42324
transferred, which transfer resulted in the full or partial 42325
nonrecognition of gain or loss, or resulted in a carryover basis, 42326
both as determined by rule adopted by the tax commissioner. 42327
"Related member" has the same meaning as defined in section 42328
5733.042 of the Revised Code without regard to division (B) of 42329
that section. 42330

The director of development shall review all agreements 42331
submitted to the director under division (F) of this section for 42332
the purpose of enforcing this division. If the director determines 42333
there has been a violation of this division, the director shall 42334
notify the legislative authority of such violation, and the 42335
legislative authority immediately shall revoke the exemption 42336

granted under the agreement. 42337

(F) When an agreement is entered into under this section, the 42338
legislative authority authorizing the agreement shall forward a 42339
copy of the agreement to the director of development ~~and to the~~ 42340
~~tax commissioner~~ within fifteen days after the agreement is 42341
entered into. 42342

Sec. 3737.81. (A) There is hereby created the state fire 42343
commission consisting of ten members to be appointed by the 42344
governor with the advice and consent of the senate. The fire 42345
marshal or chief deputy fire marshal, a representative designated 42346
by the department of public safety who has tenure in fire 42347
suppression, and a representative designated by the board of 42348
building standards shall be ex officio members. Of the initial 42349
appointments made to the commission, two shall be for a term 42350
ending one year after November 1, 1978, two shall be for a term 42351
ending two years after that date, two shall be for a term ending 42352
three years after that date, two shall be for a term ending four 42353
years after that date, and two shall be for a term ending five 42354
years after that date. Thereafter, terms of office shall be for 42355
five years, each term ending on the same day of the same month of 42356
the year as did the term which it succeeds. Each member shall hold 42357
office from the date of appointment until the end of the term for 42358
which the member was appointed. Any member appointed to fill a 42359
vacancy occurring prior to the expiration of the term for which 42360
the member's predecessor was appointed shall hold office for the 42361
remainder of that term. Any member shall continue in office 42362
subsequent to the expiration date of the member's term until a 42363
successor takes office, or until a period of sixty days has 42364
elapsed, whichever occurs first. Members shall be qualified by 42365
experience and training to deal with the matters that are the 42366
responsibility of the commission. Two members shall be members of 42367
paid fire services, one shall be a member of volunteer fire 42368

services, two shall be mayors, managers, or members of legislative 42369
authorities of municipal corporations, one shall represent 42370
commerce and industry, one shall be a representative of a fire 42371
insurance company domiciled in this state, one shall represent the 42372
flammable liquids industry, one shall represent the construction 42373
industry, and one shall represent the public. At no time shall 42374
more than six members be members of or associated with the same 42375
political party. Membership on the commission shall not constitute 42376
holding a public office, and no person shall forfeit or otherwise 42377
vacate the person's office or position of employment because of 42378
membership on the commission. 42379

(B) The ex officio members may not vote, except that the fire 42380
marshal or chief deputy fire marshal may vote in case of a tie. 42381

(C) Each member of the commission, other than ex officio 42382
members, shall be paid an amount ~~equal to that payable under pay~~ 42383
~~range 32 (S)(D)~~ fixed pursuant to division (J) of section 124.15 42384
of the Revised Code, and the member's actual and necessary 42385
expenses. 42386

(D) The commission shall select a chairperson and a 42387
vice-chairperson from among its members. No business may be 42388
transacted in the absence of a quorum. A quorum shall be at least 42389
six members, excluding ex officio members, and shall include 42390
either the chairperson or vice-chairperson. The commission shall 42391
hold regular meetings at least once every two months and may meet 42392
at any other time at the call of the chairperson. 42393

(E) The fire marshal shall provide the commission with office 42394
space, meeting rooms, staff, and clerical assistance necessary for 42395
the commission to perform its duties. If the commission maintains 42396
the Ohio fire service hall of fame under division (C) of section 42397
3737.03 of the Revised Code, the fire marshal shall preserve, in 42398
an appropriate manner, in the office space or meeting rooms 42399
provided to the commission under this division or in another 42400

location, copies of all official commendations awarded to 42401
individuals recognized and commemorated for their exemplary 42402
accomplishments and acts of heroism at fire-related incidents or 42403
similar events that occurred in this state. 42404

(F) If the commission maintains the Ohio fire service hall of 42405
fame under division (C) of section 3737.03 of the Revised Code, 42406
the expenses incurred for the recognition and commemoration of 42407
individuals for their exemplary accomplishments and acts of 42408
heroism at fire-related incidents or similar events that occurred 42409
in this state, including, but not limited to, expenses for 42410
official commendations and an annual awards ceremony as described 42411
in division ~~(C)~~(B) of section 3737.03 of the Revised Code, may be 42412
paid from moneys appropriated by the general assembly for purposes 42413
of that recognition and commemoration, from moneys that are 42414
available to the fire marshal under this chapter, or from other 42415
funding sources available to the commission. 42416

Sec. 3745.04. As used in this section, "any person" means any 42417
individual, any partnership, corporation, association, or other 42418
legal entity, or any political subdivision, instrumentality, or 42419
agency of a state, whether or not the individual or legal entity 42420
is an applicant for or holder of a license, permit, or variance 42421
from the environmental protection agency, and includes any 42422
department, agency, or instrumentality of the federal government 42423
that is an applicant for or holder of a license, permit, or 42424
variance from the environmental protection agency. 42425

As used in this section, "action" or "act" includes the 42426
adoption, modification, or repeal of a rule or standard, the 42427
issuance, modification, or revocation of any lawful order other 42428
than an emergency order, and the issuance, denial, modification, 42429
or revocation of a license, permit, lease, variance, or 42430
certificate, or the approval or disapproval of plans and 42431

specifications pursuant to law or rules adopted thereunder. 42432

Any person who was a party to a proceeding before the 42433
director of environmental protection may participate in an appeal 42434
to the environmental review appeals commission for an order 42435
vacating or modifying the action of the director or a local board 42436
of health, or ordering the director or board of health to perform 42437
an act. The environmental review appeals commission has exclusive 42438
original jurisdiction over any matter that may, under this 42439
section, be brought before it. 42440

The person so appealing to the commission shall be known as 42441
appellant, and the director and any party to a proceeding 42442
substantially supporting the finding from which the appeal is 42443
taken shall be known as appellee, except that when an appeal 42444
involves a license to operate a disposal site or facility, the 42445
local board of health or the director of environmental protection, 42446
and any party to a proceeding substantially supporting the finding 42447
from which the appeal is taken, shall, as appropriate, be known as 42448
the appellee. Appellant and appellee shall be deemed to be parties 42449
to the appeal. 42450

The appeal shall be in writing and shall set forth the action 42451
complained of and the grounds upon which the appeal is based. 42452

The appeal shall be filed with the commission within thirty 42453
days after notice of the action. Notice of the filing of the 42454
appeal shall be filed with the appellee within three days after 42455
the appeal is filed with the commission. 42456

The appeal shall be accompanied by a filing fee of ~~sixty~~ 42457
seventy dollars, which the commission, in its discretion, may 42458
~~waive in cases of~~ reduce if by affidavit the appellant 42459
demonstrates that payment of the full amount of the fee would 42460
cause extreme hardship. 42461

Within seven days after receipt of the notice of appeal, the 42462

director or local board of health shall prepare and certify to the 42463
commission a record of the proceedings out of which the appeal 42464
arises, including all documents and correspondence, and a 42465
transcript of all testimony. 42466

Upon the filing of the appeal, the commission shall fix the 42467
time and place at which the hearing on the appeal will be held. 42468
The commission shall give the appellant and the appellee at least 42469
ten days' written notice thereof by certified mail. The commission 42470
shall hold the hearing within thirty days after the notice of 42471
appeal is filed. The commission may postpone or continue any 42472
hearing upon its own motion or upon application of the appellant 42473
or of the appellee. 42474

The filing of an appeal does not automatically suspend or 42475
stay execution of the action appealed from. Upon application by 42476
the appellant, the commission may suspend or stay the execution 42477
pending immediate determination of the appeal without interruption 42478
by continuances, other than for unavoidable circumstances. 42479

As used in this section and sections 3745.05 and 3745.06 of 42480
the Revised Code, "director of environmental protection" and 42481
"director" are deemed to include the director of agriculture and 42482
"environmental protection agency" is deemed to include the 42483
department of agriculture with respect to actions that are 42484
appealable to the commission under Chapter 903. of the Revised 42485
Code. 42486

Sec. 3745.11. (A) Applicants for and holders of permits, 42487
licenses, variances, plan approvals, and certifications issued by 42488
the director of environmental protection pursuant to Chapters 42489
3704., 3734., 6109., and 6111. of the Revised Code shall pay a fee 42490
to the environmental protection agency for each such issuance and 42491
each application for an issuance as provided by this section. No 42492
fee shall be charged for any issuance for which no application has 42493

been submitted to the director. 42494

(B) ~~Prior to January 1, 1994, each~~ Each person who is issued 42495
a ~~permit to operate, variance, or~~ permit to install prior to July 42496
1, 2003, pursuant to rules adopted under division (F) of section 42497
3704.03 of the Revised Code shall pay the fees specified in the 42498
following ~~schedule~~ schedules: 42499

(1) Fuel-Burning Equipment <u>(boilers)</u>				42500
Input capacity <u>(maximum)</u>	Permit		Permit	42501
(million British	to		to	42502
thermal units per hour)	operate	<u>Variance</u>	install	42503
<u>Greater than 0 or more, but</u>	\$ 75	<u>\$225</u>	\$ 100 <u>200</u>	42504
less than 10				42505
10 or more, but less than 100	210	<u>450</u>	390 <u>400</u>	42506
100 or more, but less than 300	270	<u>675</u>	585 <u>800</u>	42507
300 or more, but less than 500	330	<u>900</u>	780	42508
			<u>1500</u>	
<u>500 or more, but less than 1000</u>	500	<u>975</u>	1000	42509
			<u>2500</u>	
<u>1000 or more, but less than 5000</u>			<u>4000</u>	42510
<u>5000 or more</u>			<u>6000</u>	42511

Units burning exclusively natural gas, number two fuel oil, 42512
or both shall be assessed a fee that is one-half of the applicable 42513
amount established in division (F)(1) of this section. 42514

~~Any fuel burning equipment using only natural gas, propane,~~ 42515
~~liquefied petroleum gas, or number two or lighter fuel oil shall~~ 42516
~~be assessed a fee one half of that shown.~~ 42517

(2) Incinerators				42518
	Permit		Permit	42519
Input capacity	to		to	42520
(pounds per hour)	operate	<u>Variance</u>	install	42521
0 to 50 <u>100</u>	\$ 50	<u>\$225</u>	\$ 65 <u>100</u>	42522

51 <u>101</u> to 500	210	450	390 <u>400</u>	42523
501 to 2000	270	675	585 <u>750</u>	42524
2001 to 30,000 <u>20,000</u>	330	900	780	42525
			<u>1000</u>	
more than 30,000 <u>20,000</u>	500	975	1000	42526
			<u>2500</u>	

~~(3)~~(a) Process 42527

	Permit		Permit	42528
Process weight rate	to		to	42529
(pounds per hour)	operate	Variance	install	42530
0 to 1000	\$100	\$225	\$ 200	42531
1001 to 5000	210	450	390 <u>400</u>	42532
5001 to 10,000	270	675	585 <u>600</u>	42533
10,001 to 50,000	330	900	780 <u>800</u>	42534
more than 50,000	500	975	1000	42535

In any process where process weight rate cannot be 42536
ascertained, the minimum fee shall be assessed. 42537

(b) Notwithstanding division (B)(3)(a) of this section, any 42538
person issued a permit to install pursuant to rules adopted under 42539
division (F) of section 3704.03 of the Revised Code shall pay the 42540
fees established in division (B)(3)(c) of this section for a 42541
process used in any of the following industries, as identified by 42542
the applicable four-digit standard industrial classification code 42543
according to the Standard Industrial Classification Manual 42544
published by the United States office of management and budget in 42545
the executive office of the president, 1972, as revised: 42546

1211 Bituminous coal and lignite mining; 42547

1213 Bituminous coal and lignite mining services; 42548

1411 Dimension stone; 42549

1422 Crushed and broken limestone; 42550

<u>1427 Crushed and broken stone, not elsewhere classified;</u>				42551
<u>1442 Construction sand and gravel;</u>				42552
<u>1446 Industrial sand;</u>				42553
<u>3281 Cut stone and stone products;</u>				42554
<u>3295 Minerals and earth, ground or otherwise treated.</u>				42555
<u>(c) The fees established in the following schedule apply to</u>				42556
<u>the issuance of a permit to install pursuant to rules adopted</u>				42557
<u>under division (F) of section 3704.03 of the Revised Code for a</u>				42558
<u>process listed in division (B)(3)(b) of this section:</u>				42559
<u>Process weight rate</u>		<u>Permit to</u>		42560
<u>(pounds per hour)</u>		<u>install</u>		42561
<u>0 to 1000</u>		<u>\$ 200</u>		42562
<u>10,001 to 50,000</u>		<u>300</u>		42563
<u>50,001 to 100,000</u>		<u>400</u>		42564
<u>100,001 to 200,000</u>		<u>500</u>		42565
<u>200,001 to 400,000</u>		<u>600</u>		42566
<u>400,001 or more</u>		<u>700</u>		42567
<u>(4) Storage tanks</u>				42568
<u>Gallons (maximum useful capacity)</u>	<u>Permit</u>		<u>Permit</u>	42569
	<u>to</u>		<u>to</u>	42570
	<u>operate</u>	<u>Variance</u>	<u>install</u>	42571
				42572
Less than 40,000 <u>0 to 20,000</u>	\$150	\$225	\$ 195 <u>100</u>	42573
20,001 to 40,000 or more, but less				42574
than 100,000	210	450	390 <u>150</u>	42575
100,000 or more, but less				42576
than 400,000	270	675	585	42577
400,000 or more, but less				42578
than <u>40,001 to 100,000</u>			<u>200</u>	42579
<u>100,001 to 250,000</u>			<u>250</u>	42580
<u>250,001 to 500,000</u>			<u>350</u>	42581

<u>500,001 to 1,000,000</u>	330	900	780 <u>500</u>	42582
1,000,000 <u>1,000,001 or more greater</u>	500	975	1000 <u>750</u>	42583
(5) Gasoline				42584
Gasoline/ <u>fuel</u> dispensing	Permit		Permit	42585
facilities	to		to	42586
	operate	Variance	install	42587
For each gasoline/ <u>fuel</u>				42588
dispensing facility	\$20	\$100	\$50 <u>100</u>	42589
(6) Dry cleaning				42590
Dry cleaning	Permit		Permit	42591
facilities	to		to	42592
	operate	Variance	install	42593
For each dry cleaning				42594
facility (<u>includes all units</u>	\$50	\$200	\$100	42595
<u>at the facility</u>)				42596
(7) Coal mining operations regulated under Chapter 1513. of				42597
the Revised Code shall be assessed a fee of two hundred fifty				42598
dollars per mine or location. <u>Registration status</u>				42599
			<u>Permit</u>	42600
			<u>to</u>	42601
			<u>install</u>	42602
<u>For each source covered by registration status</u>			<u>\$75</u>	42603
(C)(1) Except as otherwise provided in division (C)(2) of				42604
this section, beginning July 1, 1994, each person who owns or				42605
operates an air contaminant source and who is required to apply				42606
for and obtain a Title V permit under section 3704.036 of the				42607
Revised Code shall pay the fees set forth in division (C)(1) of				42608
this section. For the purposes of that division, total emissions				42609
of air contaminants may be calculated using engineering				42610
calculations, emissions factors, material balance calculations, or				42611
performance testing procedures, as authorized by the director.				42612

The following fees shall be assessed on the total actual 42613
emissions from a source in tons per year of the regulated 42614
pollutants particulate matter, sulfur dioxide, nitrogen oxides, 42615
organic compounds, and lead: 42616

(a) Fifteen dollars per ton on the total actual emissions of 42617
each such regulated pollutant during the period July through 42618
December 1993, to be collected no sooner than July 1, 1994; 42619

(b) Twenty dollars per ton on the total actual emissions of 42620
each such regulated pollutant during calendar year 1994, to be 42621
collected no sooner than April 15, 1995; 42622

(c) Twenty-five dollars per ton on the total actual emissions 42623
of each such regulated pollutant in calendar year 1995, and each 42624
subsequent calendar year, to be collected no sooner than the 42625
fifteenth day of April of the year next succeeding the calendar 42626
year in which the emissions occurred. 42627

The fees levied under division (C)(1) of this section do not 42628
apply to that portion of the emissions of a regulated pollutant at 42629
a facility that exceed four thousand tons during a calendar year. 42630

(2) The fees assessed under division (C)(1) of this section 42631
are for the purpose of providing funding for the Title V permit 42632
program. 42633

(3) The fees assessed under division (C)(1) of this section 42634
do not apply to emissions from any electric generating unit 42635
designated as a Phase I unit under Title IV of the federal Clean 42636
Air Act prior to calendar year 2000. Those fees shall be assessed 42637
on the emissions from such a generating unit commencing in 42638
calendar year 2001 based upon the total actual emissions from the 42639
generating unit during calendar year 2000 and shall continue to be 42640
assessed each subsequent calendar year based on the total actual 42641
emissions from the generating unit during the preceding calendar 42642
year. 42643

(4) The director shall issue invoices to owners or operators of air contaminant sources who are required to pay a fee assessed under division (C) or (D) of this section. Any such invoice shall 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)~~(3) of this section, beginning from January 1, 1994, through December 31, 2003, 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 emitted	Annual fee per facility
More than 0, but less than 50	\$ 75
50 or more, but less than 100	300
100 or more	700

(2) Except as provided in division (D)(3) of this section, beginning January 1, 2004, 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 3704.03 of the Revised Code shall pay 42676
a single fee based upon the sum of the actual annual emissions 42677
from the facility of the regulated pollutants particulate matter, 42678
sulfur dioxide, nitrogen oxides, organic compounds, and lead in 42679
accordance with the following schedule: 42680

<u>Total tons per year</u>			42681
<u>of regulated pollutants</u>		<u>Annual fee</u>	42682
<u>emitted</u>		<u>per facility</u>	42683
<u>More than 0, but less than 10</u>		<u>\$ 100</u>	42684
<u>10 or more, but less than 50</u>		<u>200</u>	42685
<u>50 or more, but less than 100</u>		<u>300</u>	42686
<u>100 or more</u>		<u>700</u>	42687

(3)(a) As used in division (D) of this section, "synthetic 42688
minor facility" means a facility for which one or more permits to 42689
install or permits to operate have been issued for the air 42690
contaminant sources at the facility that include terms and 42691
conditions that lower the facility's potential to emit air 42692
contaminants below the major source thresholds established in 42693
rules adopted under section 3704.036 of the Revised Code. 42694

(b) Beginning January 1, 2000, through June 30, ~~2004~~ 2006, 42695
each person who owns or operates a synthetic minor facility shall 42696
pay an annual fee based on the sum of the actual annual emissions 42697
from the facility of particulate matter, sulfur dioxide, nitrogen 42698
dioxide, organic compounds, and lead in accordance with the 42699
following schedule: 42700

<u>Combined total tons</u>			42701
<u>per year of all regulated</u>		<u>Annual fee</u>	42702
<u>pollutants emitted</u>		<u>per facility</u>	42703
<u>Less than 10</u>		<u>\$ 170</u>	42704
<u>10 or more, but less than 20</u>		<u>340</u>	42705
<u>20 or more, but less than 30</u>		<u>670</u>	42706
<u>30 or more, but less than 40</u>		<u>1,010</u>	42707

40 or more, but less than 50	1,340	42708
50 or more, but less than 60	1,680	42709
60 or more, but less than 70	2,010	42710
70 or more, but less than 80	2,350	42711
80 or more, but less than 90	2,680	42712
90 or more, but less than 100	3,020	42713
100 or more	3,350	42714

~~(3)~~(4) The fees assessed under division (D)(1) of this 42715
section shall be collected annually no sooner than the fifteenth 42716
day of April, commencing in 1995. The fees assessed under division 42717
(D)(2) of this section shall be collected annually no sooner than 42718
the fifteenth day of April, commencing in 2005. The fees assessed 42719
under division (D)~~(2)~~(3) of this section shall be collected no 42720
sooner than the fifteenth day of April, commencing in 2000. The 42721
fees assessed under division (D) of this section in a calendar 42722
year shall be based upon the sum of the actual emissions of those 42723
regulated pollutants during the preceding calendar year. For the 42724
purpose of division (D) of this section, emissions of air 42725
contaminants may be calculated using engineering calculations, 42726
emission factors, material balance calculations, or performance 42727
testing procedures, as authorized by the director. The director, 42728
by rule, may require persons who are required to pay the fees 42729
assessed under division (D) of this section to pay those fees 42730
biennially rather than annually. 42731

(E)(1) Consistent with the need to cover the reasonable costs 42732
of the Title V permit program, the director annually shall 42733
increase the fees prescribed in division (C)(1) of this section by 42734
the percentage, if any, by which the consumer price index for the 42735
most recent calendar year ending before the beginning of a year 42736
exceeds the consumer price index for calendar year 1989. Upon 42737
calculating an increase in fees authorized by division (E)(1) of 42738
this section, the director shall compile revised fee schedules for 42739

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~~ July 1, 2003, shall pay the fees specified in the following schedules:

(1) Fuel-burning equipment (boilers, furnaces, or process heaters used in the process of burning fuel for the primary purpose of producing heat or power by indirect heat transfer)

Input capacity (maximum (million British thermal units per hour)	Permit to install	
Greater than 0, but less than 10	\$ 200	
10 or more, but less than 100	400	
100 or more, but less than 300	800 <u>1000</u>	
300 or more, but less than 500	1500 <u>2250</u>	
500 or more, but less than 1000	2500 <u>3750</u>	
1000 or more, but less than 5000	4000 <u>6000</u>	
5000 or more	6000 <u>9000</u>	

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

(2) <u>Combustion turbines and stationary internal combustion engines designed to generate electricity</u>		42771
		42772
<u>Generating capacity (mega watts)</u>	<u>Permit to install</u>	42773
<u>0 or more, but less than 10</u>	<u>\$ 25</u>	42774
<u>10 or more, but less than 25</u>	<u>150</u>	42775
<u>25 or more, but less than 50</u>	<u>300</u>	42776
<u>50 or more, but less than 100</u>	<u>500</u>	42777
<u>100 or more, but less than 250</u>	<u>1000</u>	42778
<u>250 or more</u>	<u>2000</u>	42779
(3) Incinerators		42780
Input capacity (pounds per hour)	Permit to install	42781
0 to 100	\$ 100	42782
101 to 500	400 <u>500</u>	42783
501 to 2000	750 <u>1000</u>	42784
2001 to 20,000	1000 <u>1500</u>	42785
more than 20,000	2500 <u>3750</u>	42786
(3) (4)(a) Process		42787
Process weight rate (pounds per hour)	Permit to install	42788
0 to 1000	\$ 200	42789
1001 to 5000	400 <u>500</u>	42790
5001 to 10,000	600 <u>750</u>	42791
10,001 to 50,000	800 <u>1000</u>	42792
more than 50,000	1000 <u>1250</u>	42793
In any process where process weight rate cannot be		42794
ascertained, the minimum fee shall be assessed. <u>A boiler, furnace,</u>		42795
<u>combustion turbine, stationary internal combustion engine, or</u>		42796
<u>process heater designed to provide direct heat or power to a</u>		42797
<u>process not designed to generate electricity shall be assessed a</u>		42798
<u>fee established in division (F)(4)(a) of this section. A</u>		42799
<u>combustion turbine or stationary internal combustion engine</u>		42800
<u>designed to generate electricity shall be assessed a fee</u>		42801
<u>established in division (F)(2) of this section.</u>		42802

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

- 1211 Bituminous coal and lignite mining; 42812
- 1213 Bituminous coal and lignite mining services; 42813
- 1411 Dimension stone; 42814
- 1422 Crushed and broken limestone; 42815
- 1427 Crushed and broken stone, not elsewhere classified; 42816
- 1442 Construction sand and gravel; 42817
- 1446 Industrial sand; 42818
- 3281 Cut stone and stone products; 42819
- 3295 Minerals and earth, ground or otherwise treated. 42820

(c) The fees set forth in the following schedule apply to the issuance of a permit to install pursuant to rules adopted under division (F) of section 3704.03 of the Revised Code for a process identified in division (F)(3)(b) of this section:

Gallons (maximum			42825
useful capacity <u>Process weight rate</u>		Permit to install	42826
(pounds per hour)			
0 to 20,000 <u>10,000</u>		\$ 100 <u>200</u>	42827
20,001 <u>10,001</u> to 40,000 <u>50,000</u>		150 <u>400</u>	42828
40,001 <u>50,001</u> to 100,000		200 <u>500</u>	42829
100,001 to 250,000 <u>200,000</u>		250 <u>600</u>	42830
250,001 <u>200,001</u> to 500,000 <u>400,000</u>		350 <u>750</u>	42831

500,001 to 1,000,000	500	42832
1,000,001 <u>400,001</u> or greater <u>more</u>	750 <u>900</u>	42833
(4) <u>(5)</u> Storage tanks		42834
Gallons (maximum useful capacity)	Permit to install	42835
0 to 20,000	\$ 100	42836
20,001 to 40,000	150	42837
40,001 to 100,000	200 <u>250</u>	42838
100,001 to 250,000	250	42839
250,001 to 500,000	350 <u>400</u>	42840
500,001 to 1,000,000	500	42841
1,000,001 or greater	750	42842
(5) <u>(6)</u> Gasoline/fuel dispensing facilities		42843
For each gasoline/fuel	Permit to install	42844
dispensing facility (<u>includes all</u>	\$ 100	42845
<u>units at the facility</u>)		
(6) <u>(7)</u> Dry cleaning facilities		42846
For each dry cleaning		42847
facility (includes all units	Permit to install	42848
at the facility)	\$ 100	42849
(7) <u>(8)</u> Registration status		42850
For each source covered	Permit to install	42851
by registration status	\$ 75	42852
(G) An owner or operator who is responsible for an asbestos		42853
demolition or renovation project pursuant to rules adopted under		42854
section 3704.03 of the Revised Code shall pay the fees set forth		42855
in the following schedule:		42856
Action	Fee	42857
Each notification	\$75	42858
Asbestos removal	\$3/unit	42859
Asbestos cleanup	\$4/cubic yard	42860
For purposes of this division, "unit" means any combination of		42861

linear feet or square feet equal to fifty. 42862

(H) A person who is issued an extension of time for a permit 42863
to install an air contaminant source pursuant to rules adopted 42864
under division (F) of section 3704.03 of the Revised Code shall 42865
pay a fee equal to one-half the fee originally assessed for the 42866
permit to install under this section, except that the fee for such 42867
an extension shall not exceed two hundred dollars. 42868

(I) A person who is issued a modification to a permit to 42869
install an air contaminant source pursuant to rules adopted under 42870
section 3704.03 of the Revised Code shall pay a fee equal to 42871
one-half of the fee that would be assessed under this section to 42872
obtain a permit to install the source. The fee assessed by this 42873
division only applies to modifications that are initiated by the 42874
owner or operator of the source and shall not exceed two thousand 42875
dollars. 42876

(J) Notwithstanding division (B) or (F) of this section, a 42877
person who applies for or obtains a permit to install pursuant to 42878
rules adopted under division (F) of section 3704.03 of the Revised 42879
Code after the date actual construction of the source began shall 42880
pay a fee for the permit to install that is equal to twice the fee 42881
that otherwise would be assessed under the applicable division 42882
unless the applicant received authorization to begin construction 42883
under division (W) of section 3704.03 of the Revised Code. This 42884
division only applies to sources for which actual construction of 42885
the source begins on or after July 1, 1993. The imposition or 42886
payment of the fee established in this division does not preclude 42887
the director from taking any administrative or judicial 42888
enforcement action under this chapter, Chapter 3704., 3714., 42889
3734., or 6111. of the Revised Code, or a rule adopted under any 42890
of them, in connection with a violation of rules adopted under 42891
division (F) of section 3704.03 of the Revised Code. 42892

As used in this division, "actual construction of the source" 42893

means the initiation of physical on-site construction activities 42894
in connection with improvements to the source that are permanent 42895
in nature, including, without limitation, the installation of 42896
building supports and foundations and the laying of underground 42897
pipework. 42898

(K) Fifty cents per ton of each fee assessed under division 42899
(C) of this section on actual emissions from a source and received 42900
by the environmental protection agency pursuant to that division 42901
shall be deposited into the state treasury to the credit of the 42902
small business assistance fund created in section 3706.19 of the 42903
Revised Code. The remainder of the moneys received by the division 42904
pursuant to that division and moneys received by the agency 42905
pursuant to divisions (D), (F), (G), (H), (I), and (J) of this 42906
section shall be deposited in the state treasury to the credit of 42907
the clean air fund created in section 3704.035 of the Revised 42908
Code. 42909

(L)(1)(a) Except as otherwise provided in division (L)(1)(b) 42910
or (c) of this section, a person issued a water discharge permit 42911
or renewal of a water discharge permit pursuant to Chapter 6111. 42912
of the Revised Code shall pay a fee based on each point source to 42913
which the issuance is applicable in accordance with the following 42914
schedule: 42915

Design flow discharge (gallons per day)	Fee	
0 to 1000	\$ 0	42917
1,001 to 5000	100	42918
5,001 to 50,000	200	42919
50,001 to 100,000	300	42920
100,001 to 300,000	525	42921
over 300,000	750	42922

(b) Notwithstanding the fee schedule specified in division 42923
(L)(1)(a) of this section, the fee for a water discharge permit 42924
that is applicable to coal mining operations regulated under 42925

Chapter 1513. of the Revised Code shall be two hundred fifty 42926
dollars per mine. 42927

(c) Notwithstanding the fee schedule specified in division 42928
(L)(1)(a) of this section, the fee for a water discharge permit 42929
for a public discharger identified by I in the third character of 42930
the permittee's NPDES permit number shall not exceed seven hundred 42931
fifty dollars. 42932

(2) A person applying for a plan approval for a wastewater 42933
treatment works pursuant to section 6111.44, 6111.45, or 6111.46 42934
of the Revised Code shall pay a fee of one hundred dollars plus 42935
sixty-five one-hundredths of one per cent of the estimated project 42936
cost through June 30, ~~2004~~ 2006, and one hundred dollars plus 42937
two-tenths of one per cent of the estimated project cost on and 42938
after July 1, ~~2004~~ 2006, except that the total fee shall not 42939
exceed fifteen thousand dollars through June 30, ~~2004~~ 2006, and 42940
five thousand dollars on and after July 1, ~~2004~~ 2006. The fee 42941
shall be paid at the time the application is submitted. 42942

(3) A person issued a modification of a water discharge 42943
permit shall pay a fee equal to one-half the fee that otherwise 42944
would be charged for a water discharge permit, except that the fee 42945
for the modification shall not exceed four hundred dollars. 42946

(4) A person who has entered into an agreement with the 42947
director under section 6111.14 of the Revised Code shall pay an 42948
administrative service fee for each plan submitted under that 42949
section for approval that shall not exceed the minimum amount 42950
necessary to pay administrative costs directly attributable to 42951
processing plan approvals. The director annually shall calculate 42952
the fee and shall notify all persons who have entered into 42953
agreements under that section, or who have applied for agreements, 42954
of the amount of the fee. 42955

(5)(a)(i) Not later than January 30, ~~2002~~ 2004, and January 42956

30, ~~2003~~ 2005, a person holding an NPDES discharge permit issued 42957
pursuant to Chapter 6111. of the Revised Code with an average 42958
daily discharge flow of five thousand gallons or more shall pay a 42959
nonrefundable annual discharge fee. Any person who fails to pay 42960
the fee at that time shall pay an additional amount that equals 42961
ten per cent of the required annual discharge fee. 42962

(ii) The billing year for the annual discharge fee 42963
established in division (L)(5)(a)(i) of this section shall consist 42964
of a twelve-month period beginning on the first day of January of 42965
the year preceding the date when the annual discharge fee is due. 42966
In the case of an existing source that permanently ceases to 42967
discharge during a billing year, the director shall reduce the 42968
annual discharge fee, including the surcharge applicable to 42969
certain industrial facilities pursuant to division (L)(5)(c) of 42970
this section, by one-twelfth for each full month during the 42971
billing year that the source was not discharging, but only if the 42972
person holding the NPDES discharge permit for the source notifies 42973
the director in writing, not later than the first day of October 42974
of the billing year, of the circumstances causing the cessation of 42975
discharge. 42976

(iii) The annual discharge fee established in division 42977
(L)(5)(a)(i) of this section, except for the surcharge applicable 42978
to certain industrial facilities pursuant to division (L)(5)(c) of 42979
this section, shall be based upon the average daily discharge flow 42980
in gallons per day calculated using first day of May through 42981
thirty-first day of October flow data for the period two years 42982
prior to the date on which the fee is due. In the case of NPDES 42983
discharge permits for new sources, the fee shall be calculated 42984
using the average daily design flow of the facility until actual 42985
average daily discharge flow values are available for the time 42986
period specified in division (L)(5)(a)(iii) of this section. The 42987
annual discharge fee may be prorated for a new source as described 42988

in division (L)(5)(a)(ii) of this section. 42989

(b) An NPDES permit holder that is a public discharger shall 42990
pay the fee specified in the following schedule: 42991

Average daily discharge flow Fee due by 42992
January 30, 42993

~~2002~~ 2004, and 42994

January 30, ~~2003~~ 42995

2005

5,000 to 49,999 \$ 200 42996

50,000 to 100,000 500 42997

100,001 to 250,000 1,050 42998

250,001 to 1,000,000 2,600 42999

1,000,001 to 5,000,000 5,200 43000

5,000,001 to 10,000,000 10,350 43001

10,000,001 to 20,000,000 15,550 43002

20,000,001 to 50,000,000 25,900 43003

50,000,001 to 100,000,000 41,400 43004

100,000,001 or more 62,100 43005

Public dischargers owning or operating two or more publicly 43006
owned treatment works serving the same political subdivision, as 43007

"treatment works" is defined in section 6111.01 of the Revised 43008

Code, and that serve exclusively political subdivisions having a 43009

population of fewer than one hundred thousand shall pay an annual 43010

discharge fee under division (L)(5)(b) of this section that is 43011

based on the combined average daily discharge flow of the 43012

treatment works. 43013

(c) An NPDES permit holder that is an industrial discharger, 43014

other than a coal mining operator identified by P in the third 43015

character of the permittee's NPDES permit number, shall pay the 43016

fee specified in the following schedule: 43017

Average daily discharge flow Fee due by 43018

January 30, 43019

	2002 <u>2004</u> , and	43020
	January 30, 2003	43021
	<u>2005</u>	
5,000 to 49,999	\$ 250	43022
50,000 to 250,000	1,200	43023
250,001 to 1,000,000	2,950	43024
1,000,001 to 5,000,000	5,850	43025
5,000,001 to 10,000,000	8,800	43026
10,000,001 to 20,000,000	11,700	43027
20,000,001 to 100,000,000	14,050	43028
100,000,001 to 250,000,000	16,400	43029
250,000,001 or more	18,700	43030

In addition to the fee specified in the above schedule, an NPDES permit holder that is an industrial discharger classified as a major discharger during all or part of the annual discharge fee billing year specified in division (L)(5)(a)(ii) of this section shall pay a nonrefundable annual surcharge of seven thousand five hundred dollars not later than January 30, ~~2002~~ 2004, and not later than January 30, ~~2003~~ 2005. Any person who fails to pay the surcharge at that time shall pay an additional amount that equals ten per cent of the amount of the surcharge.

(d) Notwithstanding divisions (L)(5)(b) and (c) of this section, a public discharger identified by I in the third character of the permittee's NPDES permit number and an industrial discharger identified by I, J, L, V, W, X, Y, or Z in the third character of the permittee's NPDES permit number shall pay a nonrefundable annual discharge fee of one hundred eighty dollars not later than January 30, ~~2002~~ 2004, and not later than January 30, ~~2003~~ 2005. Any person who fails to pay the fee at that time shall pay an additional amount that equals ten per cent of the required fee.

(6) Each person obtaining a national pollutant discharge 43050

elimination system general or individual permit for municipal 43051
storm water discharge shall pay a nonrefundable storm water 43052
discharge fee of one hundred dollars per square mile of area 43053
permitted. The fee shall not exceed ten thousand dollars and shall 43054
be payable on or before January 30, 2004, and the thirtieth day of 43055
January of each year thereafter. Any person who fails to pay the 43056
fee on the date specified in division (L)(6) of this section shall 43057
pay an additional amount per year equal to ten per cent of the 43058
annual fee that is unpaid. 43059

(7) The director shall transmit all moneys collected under 43060
division (L) of this section to the treasurer of state for deposit 43061
into the state treasury to the credit of the surface water 43062
protection fund created in section 6111.038 of the Revised Code. 43063

(8) As used in division (L) of this section: 43064

(a) "NPDES" means the federally approved national pollutant 43065
discharge elimination system program for issuing, modifying, 43066
revoking, reissuing, terminating, monitoring, and enforcing 43067
permits and imposing and enforcing pretreatment requirements under 43068
Chapter 6111. of the Revised Code and rules adopted under it. 43069

(b) "Public discharger" means any holder of an NPDES permit 43070
identified by P in the second character of the NPDES permit number 43071
assigned by the director. 43072

(c) "Industrial discharger" means any holder of an NPDES 43073
permit identified by I in the second character of the NPDES permit 43074
number assigned by the director. 43075

(d) "Major discharger" means any holder of an NPDES permit 43076
classified as major by the regional administrator of the United 43077
States environmental protection agency in conjunction with the 43078
director. 43079

(M) Through June 30, ~~2004~~ 2006, a person applying for a 43080
license or license renewal to operate a public water system under 43081

section 6109.21 of the Revised Code shall pay the appropriate fee 43082
 established under this division at the time of application to the 43083
 director. Any person who fails to pay the fee at that time shall 43084
 pay an additional amount that equals ten per cent of the required 43085
 fee. The director shall transmit all moneys collected under this 43086
 division to the treasurer of state for deposit into the drinking 43087
 water protection fund created in section 6109.30 of the Revised 43088
 Code. 43089

~~Fees~~ Except as provided in division (M)(4) of this section, 43090
fees required under this division shall be calculated and paid in 43091
 accordance with the following schedule: 43092

(1) For the initial license required under division (A)(1) of 43093
 section 6109.21 of the Revised Code for any public water system 43094
 that is a community water system as defined in section 6109.01 of 43095
 the Revised Code, and for each license renewal required for such a 43096
 system prior to January 31, ~~2004~~ 2006, the fee is: 43097

Number of service connections	Fee amount	
Not more than 49	\$56 <u>112</u>	43099
50 to 99	88 <u>176</u>	43100
Number of service connections	Average cost per connection	
100 to 2,499	\$.96 <u>1.92</u>	43102
2,500 to 4,999	.92 <u>1.48</u>	43103
5,000 to 7,499	.88 <u>1.42</u>	43104
7,500 to 9,999	.84 <u>1.34</u>	43105
10,000 to 14,999	.80 <u>1.16</u>	43106
15,000 to 24,999	.76 <u>1.10</u>	43107
25,000 to 49,999	.72 <u>1.04</u>	43108
50,000 to 99,999	.68 <u>.92</u>	43109
100,000 to 149,999	.64 <u>.86</u>	43110
150,000 to 199,999	.60 <u>.80</u>	43111
200,000 or more	.56 <u>.76</u>	43112

A public water system may determine how it will pay the total 43113

amount of the fee calculated under division (M)(1) of this 43114
section, including the assessment of additional user fees that may 43115
be assessed on a volumetric basis. 43116

As used in division (M)(1) of this section, "service 43117
connection" means the number of active or inactive pipes, 43118
goosenecks, pigtails, and any other fittings connecting a water 43119
main to any building outlet. 43120

(2) For the initial license required under division (A)(2) of 43121
section 6109.21 of the Revised Code for any public water system 43122
that is not a community water system and serves a nontransient 43123
population, and for each license renewal required for such a 43124
system prior to January 31, ~~2004~~ 2006, the fee is: 43125

Population served	Fee amount	
Fewer than 150	\$ 56 <u>112</u>	43127
150 to 299	88 <u>176</u>	43128
300 to 749	192 <u>384</u>	43129
750 to 1,499	392 <u>628</u>	43130
1,500 to 2,999	792 <u>1,268</u>	43131
3,000 to 7,499	1,760 <u>2,816</u>	43132
7,500 to 14,999	3,800 <u>5,510</u>	43133
15,000 to 22,499	6,240 <u>9,048</u>	43134
22,500 to 29,999	8,576 <u>12,430</u>	43135
30,000 or more	11,600 <u>16,820</u>	43136

As used in division (M)(2) of this section, "population 43137
served" means the total number of individuals receiving water from 43138
the water supply during a twenty-four-hour period for at least 43139
sixty days during any calendar year. In the absence of a specific 43140
population count, that number shall be calculated at the rate of 43141
three individuals per service connection. 43142

(3) For the initial license required under division (A)(3) of 43143
section 6109.21 of the Revised Code for any public water system 43144
that is not a community water system and serves a transient 43145

population, and for each license renewal required for such a 43146
system prior to January 31, ~~2004~~ 2006, the fee is: 43147

Number of wells supplying system	Fee amount	
1	\$ 56 <u>112</u>	43148
2	56 <u>112</u>	43149
3	88 <u>176</u>	43150
4	192 <u>278</u>	43151
5	392 <u>568</u>	43152

System ~~supplied by~~ designated as 43153
using a surface
water, ~~springs, or dug wells~~ 792 43154
source 43155

As used in division (M)(3) of this section, "number of wells 43156
supplying system" means those wells that are physically connected 43157
to the plumbing system serving the public water system. 43158

(4) A public water system designated as using a surface water 43159
source shall pay a fee of seven hundred ninety-two dollars or the 43160
amount calculated under division (M)(1) or (2) of this section, 43161
whichever is greater. 43162

(N)(1) A person applying for a plan approval for a public 43163
water supply system under section 6109.07 of the Revised Code 43164
shall pay a fee of one hundred fifty dollars plus ~~two-tenths~~ 43165
thirty-five hundredths of one per cent of the estimated project 43166
cost, except that the total fee shall not exceed ~~fifteen~~ twenty 43167
thousand dollars through June 30, ~~2004~~ 2006, and ~~five~~ fifteen 43168
thousand dollars on and after July 1, ~~2004~~ 2006. The fee shall be 43169
paid at the time the application is submitted. 43170

(2) A person who has entered into an agreement with the 43171
director under division (A)(2) of section 6109.07 of the Revised 43172
Code shall pay an administrative service fee for each plan 43173
submitted under that section for approval that shall not exceed 43174
the minimum amount necessary to pay administrative costs directly 43175

attributable to processing plan approvals. The director annually 43176
shall calculate the fee and shall notify all persons that have 43177
entered into agreements under that division, or who have applied 43178
for agreements, of the amount of the fee. 43179

(3) Through June 30, ~~2004~~ 2006, the following fee, on a per 43180
survey basis, shall be charged any person for services rendered by 43181
the state in the evaluation of laboratories and laboratory 43182
personnel for compliance with accepted analytical techniques and 43183
procedures established pursuant to Chapter 6109. of the Revised 43184
Code for determining the qualitative characteristics of water: 43185

microbiological	\$1,650		43186
<u>MMO-MUG</u>		<u>\$2,000</u>	43187
<u>MF</u>		<u>2,100</u>	43188
<u>MMO-MUG and MF</u>		<u>2,550</u>	43189
organic chemical	3,500	<u>5,400</u>	43190
inorganic chemical <u>trace</u>	3,500	<u>5,400</u>	43191
<u>metals</u>			
standard chemistry	1,800	<u>2,800</u>	43192
limited chemistry	1,000	<u>1,550</u>	43193

On and after July 1, ~~2004~~ 2006, the following fee, on a per 43194
survey basis, shall be charged any such person: 43195

microbiological	\$250	<u>1,650</u>	43196
<u>organic chemicals</u>		<u>3,500</u>	43197
ehemical/radiological <u>trace</u>	250	<u>3,500</u>	43198
<u>metals</u>			
<u>standard chemistry</u>		<u>1,800</u>	43199
nitrate/turbidity (only)	150	<u>1,000</u>	43200
<u>limited chemistry</u>			

The fee for those services shall be paid at the time the request 43201
for the survey is made. Through June 30, ~~2004~~ 2006, an individual 43202
laboratory shall not be assessed a fee under this division more 43203
than once in any three-year period unless the person requests the 43204

addition of analytical methods or analysts, in which case the 43205
person shall pay eighteen hundred dollars for each additional 43206
survey requested. 43207

As used in division (N)(3) of this section: 43208

(a) "MF" means microfiltration. 43209

(b) "MMO" means minimal medium ONPG. 43210

(c) "MUG" means 4-methylumbelliferyl-beta-D-glucuronide. 43211

(d) "ONPG" means o-nitrophenyl-beta-D-galactopyranoside. 43212

The director shall transmit all moneys collected under this 43213
division to the treasurer of state for deposit into the drinking 43214
water protection fund created in section 6109.30 of the Revised 43215
Code. 43216

(O) Any person applying to the director for examination for 43217
certification as an operator of a water supply system or 43218
wastewater system under Chapter 6109. or 6111. of the Revised 43219
Code, at the time the application is submitted, shall pay an 43220
application fee of twenty-five dollars through ~~June~~ November 30, 43221
~~2004, and ten dollars on and after July 1, 2004~~ 2003. Upon 43222
approval from the director that the applicant is eligible to take 43223
the examination therefor, the applicant shall pay a fee in 43224
accordance with the following schedule through ~~June~~ November 30, 43225
~~2004~~ 2003: 43226

Class I operator	\$45	43227
Class II operator	55	43228
Class III operator	65	43229
Class IV operator	75	43230

On and after December 1, 2003, any person applying to the 43231
director for examination for certification as an operator of a 43232
water supply system or wastewater system under Chapter 6109. or 43233
6111. of the Revised Code, at the time the application is 43234

submitted, shall pay an application fee of forty-five dollars 43235
through November 30, 2006, and twenty-five dollars on and after 43236
December 1, 2006. Upon approval from the director that the 43237
applicant is eligible to take the examination therefor, the 43238
applicant shall pay a fee in accordance with the following 43239
schedule through November 30, 2006: 43240

<u>Class A operator</u>	<u>\$35</u>	43241
<u>Class I operator</u>	<u>60</u>	43242
<u>Class II operator</u>	<u>75</u>	43243
<u>Class III operator</u>	<u>85</u>	43244
<u>Class IV operator</u>	<u>100</u>	43245

On and after ~~July~~ December 1, 2004 2006, the applicant shall 43246
pay a fee in accordance with the following schedule: 43247

<u>Class A operator</u>	<u>\$25</u>	43248
Class I operator	\$25 <u>45</u>	43249
Class II operator	35 <u>55</u>	43250
Class III operator	45 <u>65</u>	43251
Class IV operator	55 <u>75</u>	43252

A person shall pay a biennial certification renewal fee for 43253
each applicable class of certification in accordance with the 43254
following schedule: 43255

<u>Class A operator</u>	<u>\$25</u>	43256
<u>Class I operator</u>	<u>35</u>	43257
<u>Class II operator</u>	<u>45</u>	43258
<u>Class III operator</u>	<u>55</u>	43259
<u>Class IV operator</u>	<u>65</u>	43260

If a certification renewal fee is received by the director 43261
more than thirty days, but not more than one year after the 43262
expiration date of the certification, the person shall pay a 43263
certification renewal fee in accordance with the following 43264
schedule: 43265

<u>Class A operator</u>	<u>\$45</u>	43266
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<u>Class I operator</u>	<u>55</u>	43267
<u>Class II operator</u>	<u>65</u>	43268
<u>Class III operator</u>	<u>75</u>	43269
<u>Class IV operator</u>	<u>85</u>	43270

A person who requests a replacement certificate shall pay a fee of twenty-five dollars at the time the request is made. 43271
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The director shall transmit all moneys collected under this division to the treasurer of state for deposit into the drinking water protection fund created in section 6109.30 of the Revised Code. 43273
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(P) ~~Through June 30, 2004, any~~ Any person submitting an application for an industrial water pollution control certificate under section 6111.31 of the Revised Code, as that section existed before its repeal by H.B. 95 of the 125th general assembly, 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. On and after the effective date of this amendment, persons shall file such applications and pay the fee as required under sections 5709.20 to 5709.27 of the Revised Code, and proceeds from the fee shall be credited as provided in section 5709.212 of the Revised Code. 43277
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(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 43292
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the Revised Code shall pay a fee of ten dollars per thousand cubic 43299
yards of disposal or treatment capacity, or one thousand dollars, 43300
whichever is greater, except that the total fee for any such 43301
permit shall not exceed eighty thousand dollars. A person issued a 43302
modification of a permit for a solid waste disposal facility or an 43303
infectious waste treatment facility that does not involve an 43304
increase in the total disposal or treatment capacity of the 43305
facility shall pay a fee of one thousand dollars. A person issued 43306
a permit to install a new, or modify an existing, solid waste 43307
transfer facility under that chapter shall pay a fee of two 43308
thousand five hundred dollars. A person issued a permit to install 43309
a new or to modify an existing solid waste incineration or 43310
composting facility, or an existing infectious waste treatment 43311
facility using incineration as its principal method of treatment, 43312
under that chapter shall pay a fee of one thousand dollars. The 43313
increases in the permit fees under this division resulting from 43314
the amendments made by Amended Substitute House Bill 592 of the 43315
117th general assembly do not apply to any person who submitted an 43316
application for a permit to install a new, or modify an existing, 43317
solid waste disposal facility under that chapter prior to 43318
September 1, 1987; any such person shall pay the permit fee 43319
established in this division as it existed prior to June 24, 1988. 43320
In addition to the applicable permit fee under this division, a 43321
person issued a permit to install or modify a solid waste facility 43322
or an infectious waste treatment facility under that chapter who 43323
fails to pay the permit fee to the director in compliance with 43324
division (V) of this section shall pay an additional ten per cent 43325
of the amount of the fee for each week that the permit fee is 43326
late. 43327

Permit and late payment fees paid to the director under this 43328
division shall be credited to the general revenue fund. 43329

(R)(1) A person issued a registration certificate for a scrap 43330

tire collection facility under section 3734.75 of the Revised Code 43331
shall pay a fee of two hundred dollars, except that if the 43332
facility is owned or operated by a motor vehicle salvage dealer 43333
licensed under Chapter 4738. of the Revised Code, the person shall 43334
pay a fee of twenty-five dollars. 43335

(2) A person issued a registration certificate for a new 43336
scrap tire storage facility under section 3734.76 of the Revised 43337
Code shall pay a fee of three hundred dollars, except that if the 43338
facility is owned or operated by a motor vehicle salvage dealer 43339
licensed under Chapter 4738. of the Revised Code, the person shall 43340
pay a fee of twenty-five dollars. 43341

(3) A person issued a permit for a scrap tire storage 43342
facility under section 3734.76 of the Revised Code shall pay a fee 43343
of one thousand dollars, except that if the facility is owned or 43344
operated by a motor vehicle salvage dealer licensed under Chapter 43345
4738. of the Revised Code, the person shall pay a fee of fifty 43346
dollars. 43347

(4) A person issued a permit for a scrap tire monocell or 43348
monofill facility under section 3734.77 of the Revised Code shall 43349
pay a fee of ten dollars per thousand cubic yards of disposal 43350
capacity or one thousand dollars, whichever is greater, except 43351
that the total fee for any such permit shall not exceed eighty 43352
thousand dollars. 43353

(5) A person issued a registration certificate for a scrap 43354
tire recovery facility under section 3734.78 of the Revised Code 43355
shall pay a fee of one hundred dollars. 43356

(6) A person issued a permit for a scrap tire recovery 43357
facility under section 3734.78 of the Revised Code shall pay a fee 43358
of one thousand dollars. 43359

(7) In addition to the applicable registration certificate or 43360
permit fee under divisions (R)(1) to (6) of this section, a person 43361

issued a registration certificate or permit for any such scrap 43362
tire facility who fails to pay the registration certificate or 43363
permit fee to the director in compliance with division (V) of this 43364
section shall pay an additional ten per cent of the amount of the 43365
fee for each week that the fee is late. 43366

(8) The registration certificate, permit, and late payment 43367
fees paid to the director under divisions (R)(1) to (7) of this 43368
section shall be credited to the scrap tire management fund 43369
created in section 3734.82 of the Revised Code. 43370

(S)(1) Except as provided by divisions (L), (M), (N), (O), 43371
(P), and (S)(2) of this section, division (A)(2) of section 43372
3734.05 of the Revised Code, section 3734.79 of the Revised Code, 43373
and rules adopted under division (T)(1) of this section, any 43374
person applying for a registration certificate under section 43375
3734.75, 3734.76, or 3734.78 of the Revised Code or a permit, 43376
variance, or plan approval under Chapter 3734. of the Revised Code 43377
shall pay a nonrefundable fee of fifteen dollars at the time the 43378
application is submitted. 43379

Except as otherwise provided, any person applying for a 43380
permit, variance, or plan approval under Chapter 6109. or 6111. of 43381
the Revised Code shall pay a nonrefundable fee of one hundred 43382
dollars at the time the application is submitted through June 30, 43383
~~2004~~ 2006, and a nonrefundable fee of fifteen dollars at the time 43384
the application is submitted on and after July 1, ~~2004~~ 2006. 43385
Through June 30, ~~2004~~ 2006, any person applying for a national 43386
pollutant discharge elimination system permit under Chapter 6111. 43387
of the Revised Code shall pay a nonrefundable fee of two hundred 43388
dollars at the time of application for the permit. On and after 43389
July 1, ~~2004~~ 2006, such a person shall pay a nonrefundable fee of 43390
fifteen dollars at the time of application. 43391

In addition to the application fee established under division 43392
(S)(1) of this section, any person applying for a national 43393

pollutant discharge elimination system general storm water 43394
construction permit shall pay a nonrefundable fee of twenty 43395
dollars per acre for each acre that is permitted above five acres 43396
at the time the application is submitted. However, the per acreage 43397
fee shall not exceed three hundred dollars. In addition, any 43398
person applying for a national pollutant discharge elimination 43399
system general storm water industrial permit shall pay a 43400
nonrefundable fee of one hundred fifty dollars at the time the 43401
application is submitted. 43402

The director shall transmit all moneys collected under 43403
division (S)(1) of this section pursuant to Chapter 6109. of the 43404
Revised Code to the treasurer of state for deposit into the 43405
drinking water protection fund created in section 6109.30 of the 43406
Revised Code. 43407

The director shall transmit all moneys collected under 43408
division (S)(1) of this section pursuant to Chapter 6111. of the 43409
Revised Code to the treasurer of state for deposit into the 43410
surface water protection fund created in section 6111.038 of the 43411
Revised Code. 43412

If a registration certificate is issued under section 43413
3734.75, 3734.76, or 3734.78 of the Revised Code, the amount of 43414
the application fee paid shall be deducted from the amount of the 43415
registration certificate fee due under division (R)(1), (2), or 43416
(5) of this section, as applicable. 43417

If a person submits an electronic application for a 43418
registration certificate, permit, variance, or plan approval for 43419
which an application fee is established under division (S)(1) of 43420
this section, the person shall pay the applicable application fee 43421
as expeditiously as possible after the submission of the 43422
electronic application. An application for a registration 43423
certificate, permit, variance, or plan approval for which an 43424
application fee is established under division (S)(1) of this 43425

section shall not be reviewed or processed until the applicable 43426
application fee, and any other fees established under this 43427
division, are paid. 43428

(2) Division (S)(1) of this section does not apply to an 43429
application for a registration certificate for a scrap tire 43430
collection or storage facility submitted under section 3734.75 or 43431
3734.76 of the Revised Code, as applicable, if the owner or 43432
operator of the facility or proposed facility is a motor vehicle 43433
salvage dealer licensed under Chapter 4738. of the Revised Code. 43434

(T) The director may adopt, amend, and rescind rules in 43435
accordance with Chapter 119. of the Revised Code that do all of 43436
the following: 43437

(1) Prescribe fees to be paid by applicants for and holders 43438
of any license, permit, variance, plan approval, or certification 43439
required or authorized by Chapter 3704., 3734., 6109., or 6111. of 43440
the Revised Code that are not specifically established in this 43441
section. The fees shall be designed to defray the cost of 43442
processing, issuing, revoking, modifying, denying, and enforcing 43443
the licenses, permits, variances, plan approvals, and 43444
certifications. 43445

The director shall transmit all moneys collected under rules 43446
adopted under division (T)(1) of this section pursuant to Chapter 43447
6109. of the Revised Code to the treasurer of state for deposit 43448
into the drinking water protection fund created in section 6109.30 43449
of the Revised Code. 43450

The director shall transmit all moneys collected under rules 43451
adopted under division (T)(1) of this section pursuant to Chapter 43452
6111. of the Revised Code to the treasurer of state for deposit 43453
into the surface water protection fund created in section 6111.038 43454
of the Revised Code. 43455

(2) Exempt the state and political subdivisions thereof, 43456

including education facilities or medical facilities owned by the 43457
state or a political subdivision, or any person exempted from 43458
taxation by section 5709.07 or 5709.12 of the Revised Code, from 43459
any fee required by this section; 43460

(3) Provide for the waiver of any fee, or any part thereof, 43461
otherwise required by this section whenever the director 43462
determines that the imposition of the fee would constitute an 43463
unreasonable cost of doing business for any applicant, class of 43464
applicants, or other person subject to the fee; 43465

(4) Prescribe measures that the director considers necessary 43466
to carry out this section. 43467

(U) When the director reasonably demonstrates that the direct 43468
cost to the state associated with the issuance of a permit to 43469
install, license, variance, plan approval, or certification 43470
exceeds the fee for the issuance or review specified by this 43471
section, the director may condition the issuance or review on the 43472
payment by the person receiving the issuance or review of, in 43473
addition to the fee specified by this section, the amount, or any 43474
portion thereof, in excess of the fee specified under this 43475
section. The director shall not so condition issuances for which 43476
fees are prescribed in divisions (B)(7) and (L)(1)(b) of this 43477
section. 43478

(V) Except as provided in divisions (L), (M), and (P) of this 43479
section or unless otherwise prescribed by a rule of the director 43480
adopted pursuant to Chapter 119. of the Revised Code, all fees 43481
required by this section are payable within thirty days after the 43482
issuance of an invoice for the fee by the director or the 43483
effective date of the issuance of the license, permit, variance, 43484
plan approval, or certification. If payment is late, the person 43485
responsible for payment of the fee shall pay an additional ten per 43486
cent of the amount due for each month that it is late. 43487

(W) As used in this section, "fuel-burning equipment," 43488
"fuel-burning equipment input capacity," "incinerator," 43489
"incinerator input capacity," "process," "process weight rate," 43490
"storage tank," "gasoline dispensing facility," "dry cleaning 43491
facility," "design flow discharge," and "new source treatment 43492
works" have the meanings ascribed to those terms by applicable 43493
rules or standards adopted by the director under Chapter 3704. or 43494
6111. of the Revised Code. 43495

(X) As used in divisions (B), (C), (D), (E), (F), (H), (I), 43496
and (J) of this section, and in any other provision of this 43497
section pertaining to fees paid pursuant to Chapter 3704. of the 43498
Revised Code: 43499

(1) "Facility," "federal Clean Air Act," "person," and "Title 43500
V permit" have the same meanings as in section 3704.01 of the 43501
Revised Code. 43502

(2) "Title V permit program" means the following activities 43503
as necessary to meet the requirements of Title V of the federal 43504
Clean Air Act and 40 C.F.R. part 70, including at least: 43505

(a) Preparing and adopting, if applicable, generally 43506
applicable rules or guidance regarding the permit program or its 43507
implementation or enforcement; 43508

(b) Reviewing and acting on any application for a Title V 43509
permit, permit revision, or permit renewal, including the 43510
development of an applicable requirement as part of the processing 43511
of a permit, permit revision, or permit renewal; 43512

(c) Administering the permit program, including the 43513
supporting and tracking of permit applications, compliance 43514
certification, and related data entry; 43515

(d) Determining which sources are subject to the program and 43516
implementing and enforcing the terms of any Title V permit, not 43517

including any court actions or other formal enforcement actions;	43518
(e) Emission and ambient monitoring;	43519
(f) Modeling, analyses, or demonstrations;	43520
(g) Preparing inventories and tracking emissions;	43521
(h) Providing direct and indirect support to small business	43522
stationary sources to determine and meet their obligations under	43523
the federal Clean Air Act pursuant to the small business	43524
stationary source technical and environmental compliance	43525
assistance program required by section 507 of that act and	43526
established in sections 3704.18, 3704.19, and 3706.19 of the	43527
Revised Code.	43528
(Y)(1) Except as provided in divisions (Y)(2), (3), and (4)	43529
of this section, each sewage sludge facility shall pay a	43530
nonrefundable annual sludge fee equal to three dollars and fifty	43531
cents per dry ton of sewage sludge, including the dry tons of	43532
sewage sludge in materials derived from sewage sludge, that the	43533
sewage sludge facility treats or disposes of in this state. The	43534
annual volume of sewage sludge treated or disposed of by a sewage	43535
sludge facility shall be calculated using the first day of January	43536
through the thirty-first day of December of the calendar year	43537
preceding the date on which payment of the fee is due.	43538
(2)(a) Except as provided in division (Y)(2)(d) of this	43539
section, each sewage sludge facility shall pay a minimum annual	43540
sewage sludge fee of one hundred dollars.	43541
(b) The annual sludge fee required to be paid by a sewage	43542
sludge facility that treats or disposes of exceptional quality	43543
sludge in this state shall be thirty-five per cent less per dry	43544
ton of exceptional quality sludge than the fee assessed under	43545
division (Y)(1) of this section, subject to the following	43546
exceptions:	43547

(i) Except as provided in division (Y)(2)(d) of this section, 43548
a sewage sludge facility that treats or disposes of exceptional 43549
quality sludge shall pay a minimum annual sewage sludge fee of one 43550
hundred dollars. 43551

(ii) A sewage sludge facility that treats or disposes of 43552
exceptional quality sludge shall not be required to pay the annual 43553
sludge fee for treatment or disposal in this state of exceptional 43554
quality sludge generated outside of this state and contained in 43555
bags or other containers not greater than one hundred pounds in 43556
capacity. 43557

A thirty-five per cent reduction for exceptional quality 43558
sludge applies to the maximum annual fees established under 43559
division (Y)(3) of this section. 43560

(c) A sewage sludge facility that transfers sewage sludge to 43561
another sewage sludge facility in this state for further treatment 43562
prior to disposal in this state shall not be required to pay the 43563
annual sludge fee for the tons of sewage sludge that have been 43564
transferred. In such a case, the sewage sludge facility that 43565
disposes of the sewage sludge shall pay the annual sludge fee. 43566
However, the facility transferring the sewage sludge shall pay the 43567
one-hundred-dollar minimum fee required under division (Y)(2)(a) 43568
of this section. 43569

In the case of a sewage sludge facility that treats sewage 43570
sludge in this state and transfers it out of this state to another 43571
entity for disposal, the sewage sludge facility in this state 43572
shall be required to pay the annual sludge fee for the tons of 43573
sewage sludge that have been transferred. 43574

(d) A sewage sludge facility that generates sewage sludge 43575
resulting from an average daily discharge flow of less than five 43576
thousand gallons per day is not subject to the fees assessed under 43577
division (Y) of this section. 43578

(3) No sewage sludge facility required to pay the annual 43579
sludge fee shall be required to pay more than the maximum annual 43580
fee for each disposal method that the sewage sludge facility uses. 43581
The maximum annual fee does not include the additional amount that 43582
may be charged under division (Y)(5) of this section for late 43583
payment of the annual sludge fee. The maximum annual fee for the 43584
following methods of disposal of sewage sludge is as follows: 43585

(a) Incineration: five thousand dollars; 43586

(b) Preexisting land reclamation project or disposal in a 43587
landfill: five thousand dollars; 43588

(c) Land application, land reclamation, surface disposal, or 43589
any other disposal method not specified in division (Y)(3)(a) or 43590
(b) of this section: twenty thousand dollars. 43591

(4)(a) In the case of an entity that generates sewage sludge 43592
or a sewage sludge facility that treats sewage sludge and 43593
transfers the sewage sludge to an incineration facility for 43594
disposal, the incineration facility, and not the entity generating 43595
the sewage sludge or the sewage sludge facility treating the 43596
sewage sludge, shall pay the annual sludge fee for the tons of 43597
sewage sludge that are transferred. However, the entity or 43598
facility generating or treating the sewage sludge shall pay the 43599
one-hundred-dollar minimum fee required under division (Y)(2)(a) 43600
of this section. 43601

(b) In the case of an entity that generates sewage sludge and 43602
transfers the sewage sludge to a landfill for disposal or to a 43603
sewage sludge facility for land reclamation or surface disposal, 43604
the entity generating the sewage sludge, and not the landfill or 43605
sewage sludge facility, shall pay the annual sludge fee for the 43606
tons of sewage sludge that are transferred. 43607

(5) Not later than the first day of April of the calendar 43608
year following March 17, 2000, and each first day of April 43609

thereafter, the director shall issue invoices to persons who are 43610
required to pay the annual sludge fee. The invoice shall identify 43611
the nature and amount of the annual sludge fee assessed and state 43612
the first day of May as the deadline for receipt by the director 43613
of objections regarding the amount of the fee and the first day of 43614
July as the deadline for payment of the fee. 43615

Not later than the first day of May following receipt of an 43616
invoice, a person required to pay the annual sludge fee may submit 43617
objections to the director concerning the accuracy of information 43618
regarding the number of dry tons of sewage sludge used to 43619
calculate the amount of the annual sludge fee or regarding whether 43620
the sewage sludge qualifies for the exceptional quality sludge 43621
discount established in division (Y)(2)(b) of this section. The 43622
director may consider the objections and adjust the amount of the 43623
fee to ensure that it is accurate. 43624

If the director does not adjust the amount of the annual 43625
sludge fee in response to a person's objections, the person may 43626
appeal the director's determination in accordance with Chapter 43627
119. of the Revised Code. 43628

Not later than the first day of June, the director shall 43629
notify the objecting person regarding whether the director has 43630
found the objections to be valid and the reasons for the finding. 43631
If the director finds the objections to be valid and adjusts the 43632
amount of the annual sludge fee accordingly, the director shall 43633
issue with the notification a new invoice to the person 43634
identifying the amount of the annual sludge fee assessed and 43635
stating the first day of July as the deadline for payment. 43636

Not later than the first day of July, any person who is 43637
required to do so shall pay the annual sludge fee. Any person who 43638
is required to pay the fee, but who fails to do so on or before 43639
that date shall pay an additional amount that equals ten per cent 43640
of the required annual sludge fee. 43641

(6) The director shall transmit all moneys collected under 43642
division (Y) of this section to the treasurer of state for deposit 43643
into the surface water protection fund created in section 6111.038 43644
of the Revised Code. The moneys shall be used to defray the costs 43645
of administering and enforcing provisions in Chapter 6111. of the 43646
Revised Code and rules adopted under it that govern the use, 43647
storage, treatment, or disposal of sewage sludge. 43648

(7) Beginning in fiscal year 2001, and every two years 43649
thereafter, the director shall review the total amount of moneys 43650
generated by the annual sludge fees to determine if that amount 43651
exceeded six hundred thousand dollars in either of the two 43652
preceding fiscal years. If the total amount of moneys in the fund 43653
exceeded six hundred thousand dollars in either fiscal year, the 43654
director, after review of the fee structure and consultation with 43655
affected persons, shall issue an order reducing the amount of the 43656
fees levied under division (Y) of this section so that the 43657
estimated amount of moneys resulting from the fees will not exceed 43658
six hundred thousand dollars in any fiscal year. 43659

If, upon review of the fees under division (Y)(7) of this 43660
section and after the fees have been reduced, the director 43661
determines that the total amount of moneys collected and 43662
accumulated is less than six hundred thousand dollars, the 43663
director, after review of the fee structure and consultation with 43664
affected persons, may issue an order increasing the amount of the 43665
fees levied under division (Y) of this section so that the 43666
estimated amount of moneys resulting from the fees will be 43667
approximately six hundred thousand dollars. Fees shall never be 43668
increased to an amount exceeding the amount specified in division 43669
(Y)(7) of this section. 43670

Notwithstanding section 119.06 of the Revised Code, the 43671
director may issue an order under division (Y)(7) of this section 43672
without the necessity to hold an adjudicatory hearing in 43673

connection with the order. The issuance of an order under this 43674
division is not an act or action for purposes of section 3745.04 43675
of the Revised Code. 43676

(8) As used in division (Y) of this section: 43677

(a) "Sewage sludge facility" means an entity that performs 43678
treatment on or is responsible for the disposal of sewage sludge. 43679

(b) "Sewage sludge" means a solid, semi-solid, or liquid 43680
residue generated during the treatment of domestic sewage in a 43681
treatment works as defined in section 6111.01 of the Revised Code. 43682
"Sewage sludge" includes, but is not limited to, scum or solids 43683
removed in primary, secondary, or advanced wastewater treatment 43684
processes. "Sewage sludge" does not include ash generated during 43685
the firing of sewage sludge in a sewage sludge incinerator, grit 43686
and screenings generated during preliminary treatment of domestic 43687
sewage in a treatment works, animal manure, residue generated 43688
during treatment of animal manure, or domestic septage. 43689

(c) "Exceptional quality sludge" means sewage sludge that 43690
meets all of the following qualifications: 43691

(i) Satisfies the class A pathogen standards in 40 C.F.R. 43692
503.32(a); 43693

(ii) Satisfies one of the vector attraction reduction 43694
requirements in 40 C.F.R. 503.33(b)(1) to (b)(8); 43695

(iii) Does not exceed the ceiling concentration limitations 43696
for metals listed in table one of 40 C.F.R. 503.13; 43697

(iv) Does not exceed the concentration limitations for metals 43698
listed in table three of 40 C.F.R. 503.13. 43699

(d) "Treatment" means the preparation of sewage sludge for 43700
final use or disposal and includes, but is not limited to, 43701
thickening, stabilization, and dewatering of sewage sludge. 43702

(e) "Disposal" means the final use of sewage sludge, 43703

including, but not limited to, land application, land reclamation, 43704
surface disposal, or disposal in a landfill or an incinerator. 43705

(f) "Land application" means the spraying or spreading of 43706
sewage sludge onto the land surface, the injection of sewage 43707
sludge below the land surface, or the incorporation of sewage 43708
sludge into the soil for the purposes of conditioning the soil or 43709
fertilizing crops or vegetation grown in the soil. 43710

(g) "Land reclamation" means the returning of disturbed land 43711
to productive use. 43712

(h) "Surface disposal" means the placement of sludge on an 43713
area of land for disposal, including, but not limited to, 43714
monofills, surface impoundments, lagoons, waste piles, or 43715
dedicated disposal sites. 43716

(i) "Incinerator" means an entity that disposes of sewage 43717
sludge through the combustion of organic matter and inorganic 43718
matter in sewage sludge by high temperatures in an enclosed 43719
device. 43720

(j) "Incineration facility" includes all incinerators owned 43721
or operated by the same entity and located on a contiguous tract 43722
of land. Areas of land are considered to be contiguous even if 43723
they are separated by a public road or highway. 43724

(k) "Annual sludge fee" means the fee assessed under division 43725
(Y)(1) of this section. 43726

(l) "Landfill" means a sanitary landfill facility, as defined 43727
in rules adopted under section 3734.02 of the Revised Code, that 43728
is licensed under section 3734.05 of the Revised Code. 43729

(m) "Preexisting land reclamation project" means a 43730
property-specific land reclamation project that has been in 43731
continuous operation for not less than five years pursuant to 43732
approval of the activity by the director and includes the 43733

implementation of a community outreach program concerning the 43734
activity. 43735

Sec. 3745.14. (A) As used in this section: 43736

(1) "Compliance review" means the review of an application 43737
for a permit, renewal of a permit, or plan approval, or 43738
modification thereof, for an existing or proposed facility, 43739
source, or activity and the accompanying engineering plans, 43740
specifications, and materials and information that are submitted 43741
under Chapter 3704., 3734., 6109., or 6111. of the Revised Code 43742
and rules adopted under them for compliance with performance 43743
standards under the applicable chapter and rules adopted under it. 43744
"Compliance review" does not include the review of an application 43745
for a hazardous waste facility installation and operation permit 43746
or the renewal or modification of such a permit, a permit to 43747
establish or modify an infectious waste treatment facility, a 43748
permit to install a solid waste incineration facility that also 43749
would treat infectious wastes, or a permit to modify a solid waste 43750
incineration facility to also treat infectious wastes under 43751
Chapter 3734. of the Revised Code. 43752

(2) "Engineer" includes both of the following: 43753

(a) A professional engineer registered under Chapter 4733. of 43754
the Revised Code; 43755

(b) A firm, partnership, association, or corporation 43756
providing engineering services in this state in compliance with 43757
Chapter 4733. of the Revised Code. 43758

(B) The director of environmental protection, in accordance 43759
with Chapter 119. of the Revised Code, shall adopt, and may amend 43760
and rescind, rules establishing a program for the certification of 43761
engineers to conduct compliance reviews. The rules, at a minimum, 43762
shall do all of the following: 43763

(1) Require that the program be administered by the director;	43764
(2) Establish eligibility criteria for certification to conduct compliance reviews;	43765 43766
(3) Establish criteria for denying, suspending, and revoking certifications and renewals of certifications issued pursuant to rules adopted under division (B) of this section;	43767 43768 43769
(4) Require the periodic renewal of certifications issued pursuant to rules adopted under division (B) of this section;	43770 43771
(5) Establish an application fee and fee for issuance for certifications under this section. The fees shall be established at a level calculated to defray the costs to the environmental protection agency for administering the certification program established by rules adopted under division (B) of this section. All such application and certification fees received by the director shall be deposited into the state treasury to the credit of the permit review fund created in division (E) of this section.	43772 43773 43774 43775 43776 43777 43778 43779
(C) The director shall maintain a current list of all engineers who are certified to conduct compliance reviews pursuant to rules adopted under this section. The list shall indicate the types of permits, permit renewals, and plan approvals that each engineer is certified to review and the types or categories of facilities, sources, or activities in connection with which the engineer is certified to conduct the reviews. Upon request, the director shall provide a copy of the list to anyone requesting it.	43780 43781 43782 43783 43784 43785 43786 43787
(D) An applicant for a permit, renewal of a permit, plan approval, or modification thereof, under Chapter 3704., 3734., 6109., or 6111. of the Revised Code and applicable rules adopted under them, other than a hazardous waste facility installation and operation permit or renewal or modification of such a permit, a permit to establish or modify an infectious waste treatment facility, a permit to install a solid waste incineration facility	43788 43789 43790 43791 43792 43793 43794

that also would treat infectious wastes, or a permit to modify a 43795
solid waste incineration facility to also treat infectious wastes 43796
under Chapter 3734. of the Revised Code, may submit a written 43797
request to the director to have the compliance review conducted by 43798
an engineer certified under this section. The request shall 43799
accompany the permit application, shall indicate the applicant's 43800
choice from among the certified engineers on the director's list 43801
who are qualified to conduct the compliance review, shall be 43802
accompanied by separate certifications by the applicant and the 43803
engineer indicating that the applicant does not have and has not 43804
had during the preceding two years a financial interest in the 43805
engineer and has not employed or retained the engineer to perform 43806
services for the applicant during the preceding two years, and may 43807
be accompanied by a draft proposal for conducting the compliance 43808
review that was developed by the applicant and the engineer. No 43809
such draft proposal is binding upon the director. 43810

Within seven days after receiving a request under this 43811
division, the director shall do all of the following, as 43812
appropriate: 43813

(1) In the director's discretion, approve or disapprove the 43814
applicant's request to have the compliance review of the 43815
application conducted by an engineer on the list of certified 43816
engineers prepared under this section; 43817

(2) If the director approves the conducting of the compliance 43818
review by such a certified engineer, approve or disapprove, in the 43819
director's discretion, the applicant's choice of the engineer; 43820

(3) Mail written notice of decisions made under divisions 43821
(D)(1) and (2) of this section to the applicant. 43822

If the director fails to mail notice of the director's 43823
decisions on the request to the applicant within seven days after 43824
receiving the request, it is conclusively presumed that the 43825

director approved the applicant's request to have the compliance 43826
review conducted by a certified engineer and the applicant's 43827
choice of the engineer, and the director shall enter into a 43828
contract with the engineer chosen by the applicant. If the 43829
director disapproves the applicant's choice of an engineer and 43830
provides timely notice of the disapproval to the applicant, the 43831
director and applicant, by mutual agreement, shall select another 43832
engineer from the list prepared under this section to conduct the 43833
compliance review, and the director shall enter into a contract 43834
with that engineer. 43835

(E) The director may enter into contracts for conducting 43836
performance reviews under division (D) of this section without 43837
advertising for bids. The commencement of any work under such a 43838
contract shall be contingent upon the director's receipt of 43839
payment from the applicant of an amount that is equal to one 43840
hundred ten per cent of the amount specified in the contract, 43841
excluding contingencies for any additional work that may be needed 43842
to properly complete the review and that was not anticipated when 43843
the contract was made. Moneys received by the director from an 43844
applicant shall be deposited into the permit review fund, which is 43845
hereby created in the state treasury. The director shall use 43846
moneys in the fund to pay the cost of compliance reviews conducted 43847
pursuant to contracts entered into under division (D) of this 43848
section and to administer the certification program established 43849
under division (B) of this section. The director may use any 43850
moneys in the fund not needed for those purposes to administer the 43851
environmental laws or programs of this state. 43852

If, while conducting a compliance review, the engineer finds 43853
that work in addition to that upon which the cost under the 43854
contract was based, or any additional work previously authorized 43855
under this division, is needed to properly review the application 43856
and accompanying information for compliance with the applicable 43857

performance standards, the engineer shall notify the director of 43858
that fact and of the cost of the additional work, as determined 43859
pursuant to the terms of the contract. If the director finds that 43860
the additional work is needed and that the costs of performing the 43861
work have been determined in accordance with the terms of the 43862
contract, the director shall authorize the contractor to perform 43863
the work. Upon completion of the additional work, the contractor 43864
shall submit to the director an invoice for the cost of performing 43865
the additional work, and the director shall forward a copy of the 43866
invoice to the applicant. The applicant is liable to the state for 43867
an amount equal to one hundred ten per cent of the cost of 43868
performing the additional work and, within thirty days after 43869
receiving a copy of the invoice, shall pay to the director an 43870
amount equal to one hundred ten per cent of the amount indicated 43871
on the invoice. Upon receiving this payment, the director shall 43872
forward the moneys to the treasurer of state, who shall deposit 43873
them into the state treasury to the credit of the permit review 43874
fund. 43875

Until the applicant pays to the director the amount due in 43876
connection with the additional work, the director shall not issue 43877
to the applicant any permit, renewal of a permit, or plan 43878
approval, or modification thereof, for which an application is 43879
pending before the director. The director also may certify the 43880
unpaid amount to the attorney general and request that the 43881
attorney general bring a civil action against the applicant to 43882
recover that amount. Any moneys so recovered shall be deposited 43883
into the state treasury to the credit of the permit review fund. 43884

(F) Upon completing a compliance review conducted under this 43885
section, the engineer shall make a certification to the director 43886
as to whether the existing or proposed facility, source, activity, 43887
or modification will comply with the applicable performance 43888
standards. If the certification indicates that the existing or 43889

proposed facility, source, activity, or modification will not 43890
comply, the engineer shall include in the certification the 43891
engineer's findings as to the causes of the noncompliance. 43892

(G) When a compliance review is conducted by an engineer 43893
certified under this section, the other activities in connection 43894
with the consideration, approval, and issuance of the permit, 43895
renewal of the permit, or plan approval, or modification thereof, 43896
shall be conducted by the director ~~or, when applicable, the~~ 43897
~~hazardous waste facility board established in section 3734.05 of~~ 43898
~~the Revised Code,~~ in accordance with the applicable provisions of 43899
Chapter 3704., 3734., 6109., or 6111. of the Revised Code and 43900
rules adopted under the applicable chapter. 43901

(H) All expenses incurred by the attorney general in bringing 43902
a civil action under this section shall be reimbursed from the 43903
permit review fund in accordance with Chapter 109. of the Revised 43904
Code. 43905

Sec. 3745.40. (A) There is hereby created the clean Ohio 43906
operating fund consisting of moneys credited to the fund in 43907
accordance with this section. The fund shall be used to pay the 43908
costs incurred by the director of environmental protection 43909
pursuant to sections 122.65 to 122.658 of the Revised Code. 43910
Investment earnings of the fund shall be credited to the fund. ~~For~~ 43911
~~two years after the effective date of this section, investment~~ 43912
~~earnings credited to the fund~~ and may be used to pay 43913
administrative costs incurred by the director pursuant to those 43914
sections. 43915

(B) Notwithstanding section 3746.16 of the Revised Code, upon 43916
the request of the director of environmental protection, the 43917
director of development shall certify to the director of budget 43918
and management the amount of excess investment earnings that are 43919
available to be transferred from the clean Ohio revitalization 43920

fund created in section 122.658 of the Revised Code to the clean 43921
Ohio operating fund. Upon certification, the director of budget 43922
and management may transfer from the clean Ohio revitalization 43923
fund to the clean Ohio operating fund an amount not exceeding the 43924
amount of the annual appropriation to the clean Ohio operating 43925
fund. 43926

Sec. 3746.13. (A) For property that does not involve the 43927
issuance of a consolidated standards permit under section 3746.15 43928
of the Revised Code and where no engineering or institutional 43929
controls are used to comply with applicable standards, the 43930
director of environmental protection shall issue a covenant not to 43931
sue pursuant to section 3746.12 of the Revised Code by issuance of 43932
an order as a final action under Chapter 3745. of the Revised Code 43933
within thirty days after the director receives the no further 43934
action letter for the property and accompanying verification from 43935
the certified professional who prepared the letter under section 43936
3746.11 of the Revised Code. 43937

(B) For property that involves the issuance of a consolidated 43938
standards permit under section 3746.15 of the Revised Code or 43939
where engineering or institutional controls are used to comply 43940
with applicable standards, the director shall issue a covenant not 43941
to sue by issuance of an order as a final action under Chapter 43942
3745. of the Revised Code within ninety days after the director 43943
receives the no further action letter for the property and 43944
accompanying verification from the certified professional who 43945
prepared the letter. 43946

(C) Except as provided in division (D) of this section, each 43947
person who is issued a covenant not to sue under this section 43948
shall pay the fee established pursuant to rules adopted under 43949
division (B)(8) of section 3746.04 of the Revised Code. Until 43950
those rules become effective, each person who is issued a covenant 43951

not to sue shall pay a fee of two thousand dollars. The fee shall 43952
be paid to the director at the time that the no further action 43953
letter and accompanying verification are submitted to the 43954
director. 43955

(D) An applicant, as defined in section 122.65 of the Revised 43956
Code, who has entered into an agreement under section 122.653 of 43957
the Revised Code and who is issued a covenant not to sue under 43958
this section shall not be required to pay the fee for the issuance 43959
of a covenant not to sue established in rules adopted under 43960
division (B)(8) of section 3746.04 of the Revised Code. 43961

Sec. 3748.07. (A) Every facility that proposes to handle 43962
radioactive material or radiation-generating equipment for which 43963
licensure or registration, respectively, by its handler is 43964
required shall apply in writing to the director of health on forms 43965
prescribed and provided by the director for licensure or 43966
registration. Terms and conditions of licenses and certificates of 43967
registration may be amended in accordance with rules adopted under 43968
section 3748.04 of the Revised Code or orders issued by the 43969
director pursuant to section 3748.05 of the Revised Code. 43970

(B) Until rules are adopted under section 3748.04 of the 43971
Revised Code, an application for a certificate of registration 43972
shall be accompanied by a biennial registration fee of ~~one~~ two 43973
hundred ~~sixty~~ dollars. On and after the effective date of those 43974
rules, an applicant for a license, registration certificate, or 43975
renewal of either shall pay the appropriate fee established in 43976
those rules. 43977

All fees collected under this section shall be deposited in 43978
the state treasury to the credit of the general operations fund 43979
created in section 3701.83 of the Revised Code. The fees shall be 43980
used solely to administer and enforce this chapter and rules 43981
adopted under it. 43982

Any fee required under this section that has not been paid 43983
within ninety days after the invoice date shall be assessed at two 43984
times the original invoiced fee. Any fee that has not been paid 43985
within one hundred eighty days after the invoice date shall be 43986
assessed at five times the original invoiced fee. 43987

(C) The director shall grant a license or registration to any 43988
applicant who has paid the required fee and is in compliance with 43989
this chapter and rules adopted under it. 43990

Until rules are adopted under section 3748.04 of the Revised 43991
Code, certificates of registration shall be effective for two 43992
years from the date of issuance. On and after the effective date 43993
of those rules, licenses and certificates of registration shall be 43994
effective for the applicable period established in those rules. 43995
Licenses and certificates of registration shall be renewed in 43996
accordance with the standard renewal procedure established in 43997
Chapter 4745. of the Revised Code. 43998

Sec. 3748.13. (A) The director of health shall inspect 43999
sources of radiation for which licensure or registration by the 44000
handler is required, and the sources' shielding and surroundings, 44001
according to the schedule established in rules adopted under 44002
division (D) of section 3748.04 of the Revised Code. In accordance 44003
with rules adopted under that section, the director shall inspect 44004
all records and operating procedures of handlers that install 44005
sources of radiation and all sources of radiation for which 44006
licensure of radioactive material or registration of 44007
radiation-generating equipment by the handler is required. The 44008
director may make other inspections upon receiving complaints or 44009
other evidence of violation of this chapter or rules adopted under 44010
it. 44011

The director shall require any hospital registered under 44012
division (A) of section 3701.07 of the Revised Code to develop and 44013

maintain a quality assurance program for all sources of 44014
radiation-generating equipment. A certified radiation expert shall 44015
conduct oversight and maintenance of the program and shall file a 44016
report of audits of the program with the director on forms 44017
prescribed by the director. The audit reports shall become part of 44018
the inspection record. 44019

(B) Until rules are adopted under division (A)(8) of section 44020
3748.04 of the Revised Code, a facility shall pay inspection fees 44021
according to the following schedule and categories: 44022

First dental x-ray tube \$ ~~94.00~~ 118.00 44023

Each additional dental x-ray tube \$ ~~47.00~~ 59.00 44024
at the same location

First medical x-ray tube ~~\$187.00~~ 235.00 44025

Each additional medical x-ray tube \$ ~~94.00~~ 125.00 44026
at the same location

Each unit of ionizing ~~\$373.00~~ 466.00 44027
radiation-generating equipment
capable of operating at or above
250 kilovoltage peak

First nonionizing ~~\$187.00~~ 235.00 44028
radiation-generating equipment of
any kind

Each additional nonionizing \$ ~~94.00~~ 125.00 44029
radiation-generating equipment of
any kind at the same location

Assembler-maintainer inspection ~~\$233.00~~ 291.00 44030
consisting of an inspection of
records and operating procedures
of handlers that install sources
of radiation

Until rules are adopted under division (A)(8) of section 44031
3748.04 of the Revised Code, the fee for an inspection to 44032

determine whether violations cited in a previous inspection have 44033
been corrected is fifty per cent of the fee applicable under the 44034
schedule in this division. Until those rules are adopted, the fee 44035
for the inspection of a facility that is not licensed or 44036
registered and for which no license or registration application is 44037
pending at the time of inspection is ~~two~~ three hundred ~~ninety~~ 44038
sixty-three dollars plus the fee applicable under the schedule in 44039
this division. 44040

The director may conduct a review of shielding plans or the 44041
adequacy of shielding on the request of a licensee or registrant 44042
or an applicant for licensure or registration or during an 44043
inspection when the director considers a review to be necessary. 44044
Until rules are adopted under division (A)(8) of section 3748.04 44045
of the Revised Code, the fee for the review is ~~four~~ five hundred 44046
~~sixty-six~~ eighty-three dollars for each room where a source of 44047
radiation is used and is in addition to any other fee applicable 44048
under the schedule in this division. 44049

All fees shall be paid to the department of health no later 44050
than thirty days after the invoice for the fee is mailed. Fees 44051
shall be deposited in the general operations fund created in 44052
section 3701.83 of the Revised Code. The fees shall be used solely 44053
to administer and enforce this chapter and rules adopted under it. 44054

Any fee required under this section that has not been paid 44055
within ninety days after the invoice date shall be assessed at two 44056
times the original invoiced fee. Any fee that has not been paid 44057
within one hundred eighty days after the invoice date shall be 44058
assessed at five times the original invoiced fee. 44059

(C) If the director determines that a board of health of a 44060
city or general health district is qualified to conduct 44061
inspections of radiation-generating equipment, the director may 44062
delegate to the board, by contract, the authority to conduct such 44063
inspections. In making a determination of the qualifications of a 44064

board of health to conduct those inspections, the director shall 44065
evaluate the credentials of the individuals who are to conduct the 44066
inspections of radiation-generating equipment and the radiation 44067
detection and measuring equipment available to them for that 44068
purpose. If a contract is entered into, the board shall have the 44069
same authority to make inspections of radiation-generating 44070
equipment as the director has under this chapter and rules adopted 44071
under it. The contract shall stipulate that only individuals 44072
approved by the director as qualified shall be permitted to 44073
inspect radiation-generating equipment under the contract's 44074
provisions. The contract shall provide for such compensation for 44075
services as is agreed to by the director and the board of health 44076
of the contracting health district. The director may reevaluate 44077
the credentials of the inspection personnel and their radiation 44078
detecting and measuring equipment as often as the director 44079
considers necessary and may terminate any contract with the board 44080
of health of any health district that, in the director's opinion, 44081
is not satisfactorily performing the terms of the contract. 44082

(D) The director may enter at all reasonable times upon any 44083
public or private property to determine compliance with this 44084
chapter and rules adopted under it. 44085

Sec. 3769.087. (A) In addition to the commission of eighteen 44086
per cent retained by each permit holder as provided in section 44087
3769.08 of the Revised Code, each permit holder shall retain an 44088
additional amount equal to four per cent of the total of all 44089
moneys wagered on each racing day on all wagering pools other than 44090
win, place, and show, of which amount retained an amount equal to 44091
three per cent of the total of all moneys wagered on each racing 44092
day on those pools shall be paid by check, draft, or money order 44093
to the tax commissioner, as a tax. Subject to the restrictions 44094
contained in divisions (B), (C), and (M) of section 3769.08 of the 44095
Revised Code, from such additional moneys paid to the tax 44096

commissioner: 44097

(1) Four-sixths shall be allocated to fund distribution as 44098
provided in division (M) of section 3769.08 of the Revised Code. 44099

(2) One-twelfth shall be paid into the Ohio fairs fund 44100
created by section 3769.082 of the Revised Code. 44101

(3) One-twelfth of the additional moneys paid to the tax 44102
commissioner by thoroughbred racing permit holders shall be paid 44103
into the Ohio thoroughbred race fund created by section 3769.083 44104
of the Revised Code. 44105

(4) One-twelfth of the additional moneys paid to the tax 44106
commissioner by harness horse racing permit holders shall be paid 44107
to the Ohio standardbred development fund created by section 44108
3769.085 of the Revised Code. 44109

(5) One-twelfth of the additional moneys paid to the tax 44110
commissioner by quarter horse racing permit holders shall be paid 44111
to the Ohio quarter horse development fund created by section 44112
3769.086 of the Revised Code. 44113

(6) One-sixth shall be paid into the state racing commission 44114
operating fund created by section 3769.03 of the Revised Code. 44115

The remaining one per cent that is retained of the total of 44116
all moneys wagered on each racing day on all pools other than win, 44117
place, and show, shall be retained by racing permit holders, and, 44118
except as otherwise provided in section 3769.089 of the Revised 44119
Code, racing permit holders shall use one-half for purse money and 44120
retain one-half. 44121

(B) In addition to the commission of eighteen per cent 44122
retained by each permit holder as provided in section 3769.08 of 44123
the Revised Code and the additional amount retained by each permit 44124
holder as provided in division (A) of this section, each permit 44125
holder shall retain an additional amount equal to one-half of one 44126

per cent of the total of all moneys wagered on each racing day on 44127
all wagering pools other than win, place, and show. ~~From~~ Except as 44128
provided in division (C) of this section, from the additional 44129
amount retained under this division, each permit holder shall 44130
retain an amount equal to one-quarter of one per cent of the total 44131
of all moneys wagered on each racing day on all pools other than 44132
win, place, and show and shall pay that amount by check, draft, or 44133
money order to the tax commissioner, as a tax. The tax 44134
commissioner shall pay the amount of the tax received under this 44135
division to the state racing commission operating fund created by 44136
section 3769.03 of the Revised Code. 44137

~~The~~ Except as provided in division (C) of this section, the 44138
remaining one-quarter of one per cent that is retained from the 44139
total of all moneys wagered on each racing day on all pools other 44140
than win, place, and show shall be retained by the permit holder, 44141
and the permit holder shall use one-half for purse money and 44142
retain one-half. 44143

(C) During the period commencing on July 1, 2003, and ending 44144
on and including June 30, 2004, the additional amount retained by 44145
each permit holder under division (B) of this section shall be 44146
paid by check, draft, or money order to the tax commissioner, as a 44147
tax. The tax commissioner shall pay the amount of the tax received 44148
under this division to the state racing commission operating fund 44149
created by section 3769.03 of the Revised Code. 44150

Sec. 3770.07. (A)~~(1)~~ Lottery prize awards shall be claimed by 44151
the holder of the winning lottery ticket, or by the executor or 44152
administrator, or the trustee of a trust, of the estate of a 44153
deceased holder of a winning ticket, in a manner to be determined 44154
by the state lottery commission, within one hundred eighty days 44155
after the date on which such prize award was announced if the 44156
lottery game is an on-line game, and within one hundred eighty 44157

days after the close of the game if the lottery game is an instant 44158
game. ~~Except as otherwise provided in division (B) of this~~ 44159
~~section, if~~ If no valid claim to the prize award is made within 44160
the prescribed period, the prize money or the cost of goods and 44161
services awarded as prizes, or if such goods or services are 44162
resold by the commission, the proceeds from such sale, shall be 44163
returned to the state lottery fund and distributed in accordance 44164
with section 3770.06 of the Revised Code. 44165

~~(2)~~(B) If a prize winner, as defined in section 3770.10 of 44166
the Revised Code, is under eighteen years of age, or is under some 44167
other legal disability, and the prize money or the cost of goods 44168
or services awarded as a prize exceeds one thousand dollars, the 44169
director shall order that payment be made to the order of the 44170
legal guardian of that prize winner. If the amount of the prize 44171
money or the cost of goods or services awarded as a prize is one 44172
thousand dollars or less, the director may order that payment be 44173
made to the order of the adult member, if any, of that prize 44174
winner's family legally responsible for the care of that prize 44175
winner. 44176

~~(3)~~(C) No right of any prize winner, as defined in section 44177
3770.10 of the Revised Code, to a prize award shall be the subject 44178
of a security interest or used as collateral. 44179

~~(4)~~~~(a)~~(D)(1) No right of any prize winner, as defined in 44180
section 3770.10 of the Revised Code, to a prize award shall be 44181
assignable, or subject to garnishment, attachment, execution, 44182
withholding, or deduction, except as follows: as provided in 44183
sections 3119.80, 3119.81, 3121.02, 3121.03, and 3123.06 of the 44184
Revised Code; when the payment is to be made to the executor or 44185
administrator or the trustee of a trust of the estate of a winning 44186
ticket holder; when the award of a prize is disputed, any person 44187
may be awarded a prize award to which another has claimed title, 44188
pursuant to the order of a court of competent jurisdiction; when 44189

the director is to make a payment pursuant to ~~section~~ sections 44190
3770.071 or 3770.073 of the Revised Code; or as provided in 44191
sections 3770.10 to 3770.14 of the Revised Code. 44192

~~(b)~~(2) The commission shall adopt rules pursuant to section 44193
3770.03 of the Revised Code concerning the payment of prize awards 44194
upon the death of a prize winner. Upon the death of a prize 44195
winner, as defined in section 3770.10 of the Revised Code, the 44196
remainder of the prize winner's prize award, to the extent it is 44197
not subject to a transfer agreement under sections 3770.10 to 44198
3770.14 of the Revised Code, may be paid to the executor, 44199
administrator, or trustee in the form of a discounted lump sum 44200
cash settlement. 44201

~~(5)~~(E) No lottery prize award shall be awarded to or for any 44202
officer or employee of the state lottery commission, any officer 44203
or employee of the auditor of state actively coordinating and 44204
certifying commission drawings, or any blood relative or spouse of 44205
such officer or employee of the commission or auditor of state 44206
living as a member of such officer's or employee's household, nor 44207
shall any such employee, blood relative, or spouse attempt to 44208
claim a lottery prize award. 44209

~~(6)~~(F) The director may prohibit vendors to the commission 44210
and their employees from being awarded a lottery prize award. 44211

~~(7)~~(G) Upon the payment of prize awards pursuant to this 44212
section, the director and the commission are discharged from all 44213
further liability therefor. 44214

~~(B) The commission may adopt rules governing the disbursement 44215
of unclaimed prize awards as all or part of the prize award in a 44216
lottery and may, pursuant to those rules, conduct the lottery and 44217
disburse any such unclaimed prize awards. Any lottery in which all 44218
or any part of the prize award is paid from unclaimed prize awards 44219
shall be conducted in accordance with all of the other 44220~~

~~requirements of this chapter, including, but not limited to, the 44221
time and proof requirements for claiming awards and the 44222
disposition of unclaimed prize awards when the prescribed period 44223
for claiming the award has passed. A prize award or any part of a 44224
prize award that is paid from an unclaimed prize award shall not 44225
be reapplied toward the satisfaction of the requirement of 44226
division (A) of section 3770.06 of the Revised Code that at least 44227
fifty per cent of the total revenues from ticket sales be 44228
disbursed for monetary prize awards, if such unclaimed prize award 44229
was previously applied toward the satisfaction of that 44230
requirement. On or before the last day of January and July each 44231
year, the commission shall report to the general assembly the 44232
gross sales and net profits the commission obtained from the 44233
unclaimed prize awards in lotteries conducted pursuant to this 44234
division during the preceding two calendar quarters, including the 44235
amount of money produced by the games funded by the unclaimed 44236
prize awards and the total revenue accruing to the state from the 44237
prize award lotteries conducted pursuant to this division. 44238~~

~~There is hereby established in the state treasury the 44239
unclaimed lottery prizes fund, to which all unclaimed prize awards 44240
shall be transferred. Any interest that accrues on the amounts in 44241
the fund shall become a part of the fund and shall be subject to 44242
any rules adopted by the commission governing the disbursement of 44243
unclaimed prize awards. 44244~~

Sec. 3770.073. (A) If a person is entitled to a lottery prize 44245
award and is indebted to the state for the payment of any tax, 44246
workers' compensation premium, unemployment contribution, payment 44247
in lieu of unemployment contribution, or charge, penalty, or 44248
interest arising from these debts and the amount of the prize 44249
money or the cost of goods or services awarded as a lottery prize 44250
award is five thousand dollars or more, the director of the state 44251
lottery commission, or the director's designee, shall do either of 44252

the following: 44253

(1) If the prize award will be paid in a lump sum, deduct 44254
from the prize award and pay to the attorney general an amount in 44255
satisfaction of the debt and pay any remainder to that person. If 44256
the amount of the prize award is less than the amount of the debt, 44257
the entire amount of the prize award shall be deducted and paid in 44258
partial satisfaction of the debt. 44259

(2) If the prize award will be paid in annual installments, 44260
on the date the initial installment payment is due, deduct from 44261
that installment and pay to the attorney general an amount in 44262
satisfaction of the debt and, if necessary to collect the full 44263
amount of the debt, do the same for any subsequent annual 44264
installments, at the time the installments become due and owing to 44265
the person, until the debt is fully satisfied. 44266

(B) If a person entitled to a lottery prize award owes more 44267
than one debt, any debt subject to section 5739.33 or division (G) 44268
of section 5747.07 of the Revised Code shall be satisfied first. 44269

(C) This section applies only to debts that have become 44270
final. 44271

Sec. 3770.10. As used in sections 3770.07 and 3770.10 to 44272
3770.14 of the Revised Code: 44273

(A) "Court of competent jurisdiction" means either the 44274
general division or the probate division of the court of common 44275
pleas of the county in which the prize winner resides, or, if the 44276
prize winner is not a resident of this state, either the general 44277
division or the probate division of the court of common pleas of 44278
Franklin county or a federal court having jurisdiction over the 44279
lottery prize award. 44280

(B) "Discounted present value" means the present value of the 44281
future payments of a lottery prize award that is determined by 44282

discounting those payments to the present, using the most recently 44283
published applicable federal rate for determining the present 44284
value of an annuity as issued by the United States internal 44285
revenue service and assuming daily compounding. 44286

(C) "Independent professional advice" means the advice of an 44287
attorney, a certified public accountant, an actuary, or any other 44288
licensed professional adviser if all of the following apply: 44289

(1) The prize winner has engaged the services of the licensed 44290
professional adviser to render advice concerning the legal and 44291
other implications of a transfer of the lottery prize award. 44292

(2) The licensed professional adviser is not affiliated in 44293
any manner with or compensated in any manner by the transferee of 44294
the lottery prize award. 44295

(3) The compensation of the licensed professional adviser is 44296
not affected by whether or not a transfer of a lottery prize award 44297
occurs. 44298

(D) "Prize winner" means any person that holds the right to 44299
receive all or any part of a lottery prize award as a result of 44300
being any of the following: 44301

(1) A person who is a claimant under division (A)~~(1)~~ of 44302
section 3770.07 of the Revised Code; 44303

(2) A person who is entitled to a prize award and who is 44304
under a legal disability as described in division ~~(A)(2)~~(B) of 44305
section 3770.07 of the Revised Code; 44306

(3) A person who was awarded a prize award to which another 44307
has claimed title by a court order under division ~~(A)(4)(a)~~(D)(1) 44308
of section 3770.07 of the Revised Code; 44309

(4) A person who is receiving payments upon the death of a 44310
prize winner as provided in division ~~(A)(4)(b)~~(D)(2) of section 44311
3770.07 of the Revised Code. 44312

(E) "Transfer" means any form of sale, assignment, or 44313
redirection of payment of all or any part of a lottery prize award 44314
for consideration. 44315

(F) "Transfer agreement" means an agreement that is complete 44316
and valid, and that provides for the transfer of all or any part 44317
of a lottery prize award from a transferor to a transferee. A 44318
transfer agreement is incomplete and invalid unless the agreement 44319
contains both of the following: 44320

(1) A statement, signed by the transferor under penalties of 44321
perjury, that the transferor irrevocably agrees that the 44322
transferor is subject to the tax imposed by Chapter 5733. or 5747. 44323
of the Revised Code with respect to gain or income which the 44324
transferor will recognize in connection with the transfer. If the 44325
transferor is a pass-through entity, as defined in section 5733.04 44326
of the Revised Code, each investor in the pass-through entity 44327
shall also sign under penalties of perjury a statement that the 44328
investor irrevocably agrees that the investor is subject to the 44329
tax imposed by Chapter 5733. or 5747. of the Revised Code with 44330
respect to gain or income which the transferor and the investor 44331
will recognize in connection with the transfer. 44332

(2) A statement, signed by the transferee, that the 44333
transferee irrevocably agrees that the transferee is subject to 44334
the withholding requirements imposed by division (C) of section 44335
3770.072 of the Revised Code and is subject to the tax imposed by 44336
Chapter 5733. or 5747. of the Revised Code with respect to gain or 44337
income which the transferee will recognize in connection with 44338
lottery prize awards to be received as a result of the transfer. 44339
If the transferee is a pass-through entity, as defined in section 44340
5733.04 of the Revised Code, each investor in the pass-through 44341
entity shall also sign under penalties of perjury a statement 44342
setting forth that the investor irrevocably agrees that the 44343
investor is subject to the withholding requirements imposed by 44344

division (C) of section 3770.072 of the Revised Code and is 44345
subject to the tax imposed by Chapter 5733. or 5747. of the 44346
Revised Code with respect to gain or income which the transferee 44347
and the investor will recognize in connection with lottery prize 44348
awards to be received as a result of the transfer. 44349

(G) "Transferee" means a party acquiring or proposing to 44350
acquire all or any part of a lottery prize award through a 44351
transfer. 44352

(H) "Transferor" means either a prize winner or a transferee 44353
in an earlier transfer whose interest is acquired by or is sought 44354
to be acquired by a transferee or a new transferee through a 44355
transfer. 44356

Sec. 3770.12. A court of competent jurisdiction ~~may~~ shall 44357
approve a transfer of a lottery prize award only in a final order 44358
that is based on ~~the~~ express findings of the court, ~~and the.~~ The 44359
court shall approve the transfer only if each of the following 44360
conditions that applies is met and is included in the court's 44361
express findings ~~shall include all of the following:~~ 44362

(A) If the transferor is a prize winner, the transferee has 44363
provided to the prize winner a disclosure statement that complies 44364
with section 3770.11 of the Revised Code, and the prize winner has 44365
confirmed the prize winner's receipt of the disclosure statement, 44366
as evidenced by the prize winner's notarized signature on a copy 44367
of the disclosure statement. 44368

~~(B) If the transferor is a prize winner, the prize winner has 44369
established that the transfer is fair and reasonable and in the 44370
best interests of the prize winner. 44371~~

~~(C) If the transferor is a prize winner, the prize winner has 44372
received independent professional advice regarding the legal and 44373
other implications of the transfer. 44374~~

~~(D)~~(C) The transferee has given written notice of the 44375
transferee's name, address, and taxpayer identification number to 44376
the state lottery commission and has filed a copy of that notice 44377
with the court in which the application for approval of the 44378
transfer was filed. 44379

~~(E)~~(D) The transferee is a trust, limited partnership, 44380
general partnership, corporation, professional association, 44381
limited liability company, or other entity that is qualified to do 44382
business in this state and meets the registration requirements for 44383
that type of entity under Title XVII of the Revised Code. 44384

~~(F)~~(E) The transfer complies with all applicable requirements 44385
of the Revised Code and does not contravene any applicable law. 44386

~~(G)~~(F) The transfer does not include or cover the amounts of 44387
the lottery prize award that are required to be withheld or 44388
deducted pursuant to section 3119.80, 3119.81, 3121.02, 3121.03, 44389
3123.06, 3770.071, or 3770.072 of the Revised Code. 44390

~~(H)~~(G) Any amounts described in division ~~(G)~~(F) of this 44391
section that are required to be withheld or deducted, as of the 44392
date of the court order, will be offset by the commission first 44393
against remaining payments due the transferor and then against 44394
payments due the transferee. 44395

~~(I)~~(H) Except as provided in divisions (F) and (G) and ~~(H)~~ of 44396
this section, that the transferor's interest in each and all of 44397
the future payments from a particular lottery prize award is to be 44398
paid to a single transferee, or, if the payments from the lottery 44399
prize award are to be directed from the state lottery commission 44400
to multiple transferees, the commission has promulgated rules 44401
under section 3770.03 of the Revised Code permitting transfers to 44402
multiple transferees, and the transfer is consistent with those 44403
rules. 44404

~~(J)~~(I) If the lottery prize award has been transferred within 44405

twelve months immediately preceding the effective date of the 44406
proposed transfer, the state lottery commission has not objected 44407
to the proposed transfer. The court shall presume that the 44408
requirements of this division are met unless the commission 44409
notifies the court in writing before the hearing on the 44410
application for transfer, or through counsel at that hearing, that 44411
a transfer of the same lottery prize award has been made within 44412
that twelve-month period and that the commission objects to a 44413
subsequent transfer within that twelve-month period. The court 44414
shall find that the requirements of this division are not met if 44415
the commission provides notice of a prior transfer of the same 44416
lottery prize award within that twelve-month period and its 44417
objection to the proposed transfer, unless the transferor or 44418
transferee shows by clear and convincing evidence that no previous 44419
transfer of the same lottery prize award occurred within that 44420
twelve-month period. 44421

If the court determines that all of the conditions in 44422
divisions (A) to (I) of this section that apply are met, the 44423
transfer of the lottery prize award shall be presumed to be fair 44424
and reasonable and in the best interests of the prize winner. 44425

Sec. 3770.99. (A) Whoever is prohibited from claiming a 44426
lottery prize award under division ~~(A)(5)~~(E) of section 3770.07 of 44427
the Revised Code and attempts to claim or is paid a lottery prize 44428
award is guilty of a minor misdemeanor, and shall provide 44429
restitution to the state lottery commission of any moneys 44430
erroneously paid as a lottery prize award to that person. 44431

(B) Whoever violates division (C) of section 3770.071 or 44432
section 3770.08 of the Revised Code is guilty of a misdemeanor of 44433
the third degree. 44434

Sec. 3773.33. (A) There is hereby created the Ohio athletic 44435

commission. The commission shall consist of five voting members 44436
appointed by the governor with the advice and consent of the 44437
senate, not more than three of whom shall be of the same political 44438
party, and two nonvoting members, one of whom shall be a member of 44439
the senate appointed by and to serve at the pleasure of the 44440
president of the senate and one of whom shall be a member of the 44441
house of representatives appointed by and to serve at the pleasure 44442
of the speaker of the house of representatives. To be eligible for 44443
appointment as a voting member, a person shall be a qualified 44444
elector and a resident of the state for not less than five years 44445
immediately preceding the person's appointment. Two voting members 44446
shall be knowledgeable in boxing, at least one voting member shall 44447
be knowledgeable and experienced in high school athletics, one 44448
voting member shall be knowledgeable and experienced in 44449
professional athletics, and at least one voting member shall be 44450
knowledgeable and experienced in collegiate athletics. One 44451
commission member shall hold the degree of doctor of medicine or 44452
doctor of osteopathy. 44453

(B) No person shall be appointed to the commission or be an 44454
employee of the commission who is licensed, registered, or 44455
regulated by the commission. No member shall have any legal or 44456
beneficial interest, direct or indirect, pecuniary or otherwise, 44457
in any person who is licensed, registered, or regulated by the 44458
commission or who participates in prize fights or public boxing or 44459
wrestling matches or exhibitions. No member shall participate in 44460
any fight, match, or exhibition other than in the member's 44461
official capacity as a member of the commission, or as an 44462
inspector as authorized in section 3773.52 of the Revised Code. 44463

(C) The governor shall appoint the voting members to the 44464
commission. Of the initial appointments, two shall be for terms 44465
ending one year after September 3, 1996, two shall be for terms 44466
ending two years after September 3, 1996, and one shall be for a 44467

term ending three years after September 3, 1996. Thereafter, terms 44468
of office shall be for three years, each term ending the same day 44469
of the same month of the year as did the term which it succeeds. 44470
Each member shall hold office from the date of the member's 44471
appointment until the end of the term for which the member was 44472
appointed. Any member appointed to fill a vacancy occurring prior 44473
to the expiration of the term for which the member's predecessor 44474
was appointed shall hold office for the remainder of the term. Any 44475
member shall continue in office subsequent to the expiration date 44476
of the member's term until the member's successor takes office, or 44477
until a period of sixty days has elapsed, whichever occurs first. 44478

The governor shall name one voting member as chairperson of 44479
the commission at the time of making the appointment of any member 44480
for a full term. Three voting members shall constitute a quorum, 44481
and the affirmative vote of three voting members shall be 44482
necessary for any action taken by the commission. No vacancy on 44483
the commission impairs the authority of the remaining members to 44484
exercise all powers of the commission. 44485

Voting members, when engaged in commission duties, shall 44486
receive a per diem compensation determined in accordance with 44487
division (J) of section 124.15 of the Revised Code, and all 44488
members shall receive their actual and necessary expenses incurred 44489
in the performance of their official duties. 44490

Each voting member, before entering upon the discharge of the 44491
member's duties, shall file a surety bond payable to the treasurer 44492
of state in the sum of ten thousand dollars. Each surety bond 44493
shall be conditioned upon the faithful performance of the duties 44494
of the office, executed by a surety company authorized to transact 44495
business in this state, and filed in the office of the secretary 44496
of state. 44497

The governor may remove any voting member for malfeasance, 44498
misfeasance, or nonfeasance in office after giving the member a 44499

copy of the charges against the member and affording the member an 44500
opportunity for a public hearing, at which the member may be 44501
represented by counsel, upon not less than ten days' notice. If 44502
the member is removed, the governor shall file a complete 44503
statement of all charges made against the member and the 44504
governor's finding ~~thereon~~ on the charges in the office of the 44505
secretary of state, together with a complete report of the 44506
proceedings. The governor's decision shall be final. 44507

~~(D) The commission shall maintain an office in Youngstown and 44508
keep all of its permanent records there. 44509~~

Sec. 3773.43. The Ohio athletic commission shall charge the 44510
following fees: 44511

(A) For an application for or renewal of a promoter's license 44512
for public boxing matches or exhibitions, ~~fifty~~ one hundred 44513
dollars. 44514

(B) For an application for or renewal of a license to 44515
participate in a public boxing match or exhibition as a 44516
contestant, or as a referee, judge, matchmaker, manager, 44517
timekeeper, trainer, or second of a contestant, ~~ten~~ twenty 44518
dollars. 44519

(C) For a permit to conduct a public boxing match or 44520
exhibition, ~~ten~~ fifty dollars. 44521

(D) For an application for or renewal of a promoter's license 44522
for professional wrestling matches or exhibitions, ~~one~~ two hundred 44523
dollars. 44524

(E) For a permit to conduct a professional wrestling match or 44525
exhibition, ~~fifty~~ one hundred dollars. 44526

The commission, subject to the approval of the controlling 44527
board, may establish fees in excess of the amounts provided in 44528
this section, provided that such fees do not exceed the amounts 44529

permitted by this section by more than ~~twenty-five~~ fifty per cent. 44530

The fees prescribed by this section shall be paid to the 44531
treasurer of state, who shall deposit the fees in the occupational 44532
licensing and regulatory fund. 44533

Sec. 3901.491. (A) As used in this section: 44534

(1) "Genetic screening or testing" means a laboratory test of 44535
a person's genes or chromosomes for abnormalities, defects, or 44536
deficiencies, including carrier status, that are linked to 44537
physical or mental disorders or impairments, or that indicate a 44538
susceptibility to illness, disease, or other disorders, whether 44539
physical or mental, which test is a direct test for abnormalities, 44540
defects, or deficiencies, and not an indirect manifestation of 44541
genetic disorders. 44542

(2) "Insurer" means any person authorized under Title XXXIX 44543
of the Revised Code to engage in the business of sickness and 44544
accident insurance. 44545

(3) "Sickness and accident insurance" means sickness and 44546
accident insurance under Chapter 3923. of the Revised Code 44547
excluding disability income insurance and excluding supplemental 44548
policies of sickness and accident insurance. 44549

(B) Upon the repeal of section 3901.49 of the Revised Code ~~by~~ 44550
~~Sub. H.B. No. 71 of the 120th general assembly~~, no insurer shall 44551
do either of the following: 44552

(1) Consider any information obtained from genetic screening 44553
or testing in processing an application for an individual or group 44554
policy of sickness and accident insurance, or in determining 44555
insurability under such a policy; 44556

(2) Inquire, directly or indirectly, into the results of 44557
genetic screening or testing or use such information, in whole or 44558
in part, to cancel, refuse to issue or renew, or limit benefits 44559

under, a sickness and accident insurance policy. 44560

(C) Any insurer that has engaged in, is engaged in, or is 44561
about to engage in a violation of division (B) of this section is 44562
subject to the jurisdiction of the superintendent of insurance 44563
under section 3901.04 of the Revised Code. 44564

Sec. 3901.501. (A) As used in this section: 44565

(1) "Genetic screening or testing" means a laboratory test of 44566
a person's genes or chromosomes for abnormalities, defects, or 44567
deficiencies, including carrier status, that are linked to 44568
physical or mental disorders or impairments, or that indicate a 44569
susceptibility to illness, disease, or other disorders, whether 44570
physical or mental, which test is a direct test for abnormalities, 44571
defects, or deficiencies, and not an indirect manifestation of 44572
genetic disorders. 44573

(2) "Self-insurer" means any government entity providing 44574
coverage for health care services on a self-insurance basis. 44575

(B) Upon the repeal of section 3901.50 of the Revised Code ~~by~~ 44576
~~Sub. H.B. No. 71 of the 120th general assembly~~, no self-insurer 44577
shall do either of the following: 44578

(1) Consider any information obtained from genetic screening 44579
or testing in processing an application for coverage under a plan 44580
of self-insurance or in determining insurability under such a 44581
plan; 44582

(2) Inquire, directly or indirectly, into the results of 44583
genetic screening or testing or use such information, in whole or 44584
in part, to cancel, refuse to provide or renew, or limit benefits 44585
under, a plan of self-insurance. 44586

(C) Any self-insurer that has engaged in, is engaged in, or 44587
is about to engage in a violation of division (B) of this section 44588
is subject to the jurisdiction of the superintendent of insurance 44589

under section 3901.04 of the Revised Code. 44590

Sec. 3901.72. Any person may advance to a domestic insurance 44591
company or a health insuring corporation any sum of money 44592
necessary for the purpose of the insurance company's or health 44593
insuring corporation's business, or to enable the insurance 44594
company or health insuring corporation to comply with any law, or 44595
as a cash guarantee fund. Such money, and interest agreed upon, 44596
~~not exceeding ten per cent per annum or the total of four hundred~~ 44597
~~basis points plus the rate on United States treasury notes or~~ 44598
~~bonds closest in maturity to the final repayment date of the money~~ 44599
~~so advanced, whichever is greater,~~ shall not be a liability or 44600
claim against the insurance company or health insuring 44601
corporation, or any of its assets, except as provided in this 44602
section, and shall be repaid only out of the surplus earnings of 44603
such insurance company or health insuring corporation. Except as 44604
ordered by the superintendent of insurance, no part of the 44605
principal or interest thereof shall be repaid until the surplus of 44606
the insurance company or health insuring corporation remaining 44607
after such repayment is equal in amount to the principal of the 44608
money so advanced. Such advancement and repayment shall be subject 44609
to the approval of the superintendent, provided that this section 44610
shall not affect the power to borrow money which any such 44611
insurance company or health insuring corporation possesses under 44612
other laws. No commission or promotion expenses shall be paid by 44613
the insurance company or health insuring corporation, in 44614
connection with the advance of any such money to the insurance 44615
company or health insuring corporation, and the amount of any such 44616
unpaid advance shall be reported in each annual statement. 44617

Sec. 4104.01. As used in sections 4104.01 to 4104.20 and 44618
section 4104.99 of the Revised Code: 44619

(A) "Board of building standards" or "board" means the board 44620

established by section 3781.07 of the Revised Code. 44621

(B) "Superintendent" means the superintendent of the division 44622
of industrial compliance created by section 121.04 of the Revised 44623
Code. 44624

(C) "Boiler" means a closed vessel in which water is heated, 44625
steam is generated, steam is superheated, or any combination 44626
thereof, under pressure or vacuum for use externally to itself by 44627
the direct application of heat from the combustion of fuels, or 44628
from electricity or nuclear energy. "Boiler" includes fired units 44629
for heating or vaporizing liquids other than water where these 44630
units are separate from processing systems and are complete within 44631
themselves. 44632

(D) "Power boiler" means a boiler in which steam or other 44633
vapor (to be used externally to itself) is generated at a pressure 44634
of more than fifteen psig. 44635

(E) "High pressure, high temperature water boiler" means a 44636
water heating boiler operating at pressures exceeding one hundred 44637
sixty psig or temperatures exceeding two hundred fifty degrees 44638
Fahrenheit. 44639

(F) "Low pressure boiler" means a steam boiler operating at 44640
pressures not exceeding fifteen psig, or a hot water heating 44641
boiler operating at pressures not exceeding one hundred sixty psig 44642
or temperatures not exceeding two hundred fifty degrees 44643
Fahrenheit. 44644

(G) "~~Unfired pressure~~ Pressure vessel" means a container for 44645
the containment of pressure, either internal or external. This 44646
pressure may be obtained from an external source or by the 44647
application of heat from a direct or indirect source or any 44648
combination thereof. 44649

(H) "Process boiler" means a boiler to which all of the 44650
following apply: 44651

(1) The steam in the boiler is either generated or 44652
superheated, or both, under pressure or vacuum for use external to 44653
itself. 44654

(2) The source of heat for the boiler is in part or in whole 44655
from a process other than the boiler itself. 44656

(3) The boiler is part of a continuous processing unit, such 44657
as used in chemical manufacture or petroleum refining, other than 44658
a steam-generated process unit. 44659

(I) "Stationary steam engine" means an engine or turbine in 44660
which the mechanical force arising from the elasticity and 44661
expansion action of steam or from its property of rapid 44662
condensation or from a combination of the two is made available as 44663
a motive power. 44664

Sec. 4104.02. The board of building standards shall: 44665

(A) Formulate rules for the construction, installation, 44666
~~inspection~~, repair, conservation of energy, and operation of 44667
boilers and the construction, ~~inspection~~, and repair of ~~unfired~~ 44668
pressure vessels and for ascertaining the safe working pressures 44669
to be carried on such boilers and ~~unfired~~ pressure vessels and the 44670
qualification of inspectors of boilers and ~~unfired~~ pressure 44671
vessels; 44672

(B) Prescribe tests, if it is considered necessary, to 44673
ascertain the qualities of materials used in the construction of 44674
boilers and ~~unfired~~ pressure vessels; 44675

(C) Adopt rules regulating the construction and sizes of 44676
safety valves for boilers and ~~unfired~~ pressure vessels of 44677
different sizes and pressures, for the construction, use, and 44678
location of fusible plugs, appliances for indicating the pressure 44679
of steam and level of water in the boiler or ~~unfired~~ pressure 44680
vessels, and such other appliances as the board considers 44681

necessary to safety in operating boilers; 44682

(D) Establish reasonable fees for the performance of reviews, 44683
surveys, or audits of manufacturer's facilities by the division of 44684
industrial compliance for certification by the American society of 44685
mechanical engineers and the national board of boiler and pressure 44686
vessel inspectors; 44687

(E) The definitions and rules adopted by the board for the 44688
construction, installation, ~~inspection~~, repair, conservation of 44689
energy, and operation of boilers and the construction, ~~inspection~~, 44690
and repair of ~~unfired~~ pressure vessels and for ascertaining the 44691
safe working pressures to be used on such boilers and ~~unfired~~ 44692
pressure vessels shall be based upon and follow generally accepted 44693
engineering standards, formulae, and practices established and 44694
pertaining to boilers and ~~unfired~~ pressure vessel construction, 44695
operation, and safety, and the board may, for this purpose, adopt 44696
existing published standards as well as amendments thereto 44697
subsequently published by the same authority. 44698

When a person desires to manufacture a special type of boiler 44699
or ~~unfired~~ pressure vessel, the design of which is not covered by 44700
the rules of the board, the person shall submit drawings and 44701
specifications of such boiler or ~~unfired~~ pressure vessel to the 44702
board for investigation, after which the board may permit its 44703
installation. 44704

The provisions of sections 119.03 and 119.11 of the Revised 44705
Code in particular, and the applicable provisions of Chapter 119. 44706
of the Revised Code in general, shall govern the proceedings of 44707
the board of building standards in adopting, amending, or 44708
rescinding rules pursuant to this section. 44709

Sec. 4104.04. (A) Sections 4104.01 to 4104.20 and section 44710
4104.99 of the Revised Code do not apply to the following boilers 44711
and ~~unfired~~ pressure vessels: 44712

(1) Boilers, unfired pressure vessels, and stationary steam engines under federal control or subject to inspection under federal laws;	44713 44714 44715
(2) Air tanks located on vehicles operating under the rules of other state authorities and used for carrying passengers, or freight;	44716 44717 44718
(3) Air tanks installed on the right of way of railroads and used directly in the operation of trains;	44719 44720
(4) Unfired pressure <u>Pressure</u> vessels which that are under the regulation and control of the state fire marshal under Chapter 3737. of the Revised Code.	44721 44722 44723
(B) The following boilers and unfired pressure vessels are exempt from the requirements of sections 4104.10, 4104.101, 4104.11, 4104.12, and 4104.13 of the Revised Code, but shall be equipped with such appliances, to insure safety of operation, as are prescribed by the board:	44724 44725 44726 44727 44728
(1) Portable boilers or unfired pressure vessels when located on farms and used solely for agricultural purposes;	44729 44730
(2) Steam or vapor boilers carrying a pressure of not more than fifteen psig, which are located in private residences or in apartment houses of less than six family units;	44731 44732 44733
(3) Hot water boilers operated at pressures not exceeding one hundred sixty psig, or temperatures not exceeding two hundred fifty degrees fahrenheit, which are located in private residences or in apartment houses of less than six family units;	44734 44735 44736 44737
(4) Unfired pressure <u>Pressure</u> vessels containing only water under pressure for domestic supply purposes, including those containing air, the compression of which serves only as a cushion or airlift pumping system, when located in private residences or in apartment houses of less than six family units;	44738 44739 44740 44741 44742

(5) Portable boilers used in pumping, heating, steaming, and drilling, in the open field, for water, gas, and oil; 44743
44744

(6) Portable boilers used in the construction of and repair to public roads, railroads, and bridges; 44745
44746

(7) Historical steam boilers of riveted construction, preserved, restored, or maintained for hobby or demonstration use. 44747
44748

Sec. 4104.06. (A) The inspection of boilers and their appurtenances and ~~unfired~~ pressure vessels shall be made by the inspectors mentioned in sections 4104.07 to 4104.20 of the Revised Code. The superintendent of industrial compliance shall administer and enforce such sections and rules adopted by the board of building standards pursuant to section 4104.02 of the Revised Code. 44749
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(B) The superintendent shall adopt, amend, and repeal rules exclusively for the issuance, renewal, suspension, and revocation of certificates of competency and certificates of operation, for conducting hearings in accordance with Chapter 119. of the Revised Code related to these actions, and for the inspection of boilers and their appurtenances, and ~~unfired~~ pressure vessels. 44756
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(C) Notwithstanding division (B) of this section, the superintendent shall not adopt rules relating to construction, maintenance, or repair of boilers and their appurtenances, or repair of ~~unfired~~ pressure vessels. 44762
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(D) The superintendent and each general inspector may enter any premises and any building or room at all reasonable hours to perform an examination or inspection. 44766
44767
44768

Sec. 4104.07. (A) An application for examination as an inspector of boilers and ~~unfired~~ pressure vessels shall be in writing, accompanied by a fee of fifty dollars, upon a blank to be 44769
44770
44771

furnished by the superintendent of industrial compliance. Any 44772
moneys collected under this section shall be paid into the state 44773
treasury to the credit of the industrial compliance operating fund 44774
created in section 121.084 of the Revised Code. 44775

(B) The superintendent shall determine if an applicant meets 44776
all the requirements for examination in accordance with rules 44777
adopted by the board of building standards under section 4104.02 44778
of the Revised Code. An application shall be rejected which 44779
contains any willful falsification, or untruthful statements. 44780

(C) An applicant shall be examined by the superintendent, by 44781
a written examination, prescribed by the board, dealing with the 44782
construction, installation, operation, maintenance, and repair of 44783
boilers and ~~unfired~~ pressure vessels and their appurtenances, and 44784
the applicant shall be accepted or rejected on the merits of the 44785
applicant's application and examination. 44786

(D) Upon a favorable report by the superintendent of the 44787
result of an examination, the superintendent shall immediately 44788
issue to the successful applicant a certificate of competency to 44789
that effect. 44790

Sec. 4104.08. (A) The director of commerce may appoint from 44791
the holders of certificates of competency provided for in section 44792
4104.07 of the Revised Code, general inspectors of boilers and 44793
~~unfired~~ pressure vessels. 44794

(B) Any company authorized to insure boilers and ~~unfired~~ 44795
pressure vessels against explosion in this state may designate 44796
from holders of certificates of competency issued by the 44797
superintendent of industrial compliance, or holders of 44798
certificates of competency or commissions issued by other states 44799
or nations whose examinations for certificates or commissions have 44800
been approved by the board of building standards, persons to 44801
inspect and stamp boilers and ~~unfired~~ pressure vessels covered by 44802

the company's policies, and the superintendent shall issue to such persons commissions authorizing them to act as special inspectors. Special inspectors shall be compensated by the company designating them.

(C) The director of commerce shall establish an annual fee to be charged by the superintendent for each certificate of competency or commission the superintendent issues.

(D) The superintendent shall issue to each general or special inspector a commission to the effect that the holder thereof is authorized to inspect boilers and ~~unfired~~ pressure vessels in this state.

(E) No person shall be authorized to act as a general inspector or a special inspector who is directly or indirectly interested in the manufacture or sale of boilers or ~~unfired~~ pressure vessels.

Sec. 4104.15. (A) All certificates of inspection for boilers, issued prior to October 15, 1965, are valid and effective for the period set forth in such certificates unless sooner withdrawn by the superintendent of industrial compliance. The owner or user of any such boiler shall obtain an appropriate certificate of operation for such boiler, and shall not operate such boiler, or permit it to be operated unless a certificate of operation has been obtained in accordance with section 4104.17 of the Revised Code.

(B) If, upon making the internal and external inspection required under sections 4104.11, 4104.12, and 4104.13 of the Revised Code, the inspector finds the boiler to be in safe working order, with the fittings necessary to safety, and properly set up, upon the inspector's report to the superintendent, the superintendent shall issue to the owner or user thereof, or renew, upon application and upon compliance with sections 4104.17 and

4104.18 of the Revised Code, a certificate of operation which 44834
shall state the maximum pressure at which the boiler may be 44835
operated, as ascertained by the rules of the board of building 44836
standards. Such certificates shall also state the name of the 44837
owner or user, the location, size, and number of each boiler, and 44838
the date of issuance, and shall be so placed as to be easily read 44839
in the engine room or boiler room of the plant where the boiler is 44840
located, except that the certificate of operation for a portable 44841
boiler shall be kept on the premises and shall be accessible at 44842
all times. 44843

(C) If an inspector at any inspection finds that the boiler 44844
or ~~unfired~~ pressure vessel is not in safe working condition, or is 44845
not provided with the fittings necessary to safety, or if the 44846
fittings are improperly arranged, the inspector shall immediately 44847
notify the owner or user and person in charge of the boiler and 44848
shall report the same to the superintendent who may revoke, 44849
suspend, or deny the certificate of operation and not renew the 44850
same until the boiler or ~~unfired~~ pressure vessel and its fittings 44851
are put in condition to insure safety of operation, and the owner 44852
or user shall not operate the boiler or ~~unfired~~ pressure vessel, 44853
or permit it to be operated until such certificate has been 44854
granted or restored. 44855

(D) If the superintendent or a general boiler inspector finds 44856
that ~~an unfired~~ a pressure vessel or boiler or a part thereof 44857
poses an explosion hazard that reasonably can be regarded as 44858
posing an imminent danger of death or serious physical harm to 44859
persons, the superintendent or the general boiler inspector shall 44860
seal the ~~unfired~~ pressure vessel or boiler and order, in writing, 44861
the operator or owner of the ~~unfired~~ pressure vessel or boiler to 44862
immediately cease the ~~unfired~~ pressure vessel's or boiler's 44863
operation. The order shall be effective until the nonconformities 44864
are eliminated, corrected, or otherwise remedied, or for a period 44865

of seventy-two hours from the time of issuance, whichever occurs 44866
first. During the seventy-two-hour period, the superintendent may 44867
request that the prosecuting attorney or city attorney of Franklin 44868
county or of the county in which the ~~unfired~~ pressure vessel or 44869
boiler is located obtain an injunction restraining the operator or 44870
owner of the ~~unfired~~ pressure vessel or boiler from continuing its 44871
operation after the seventy-two-hour period expires until the 44872
nonconformities are eliminated, corrected, or otherwise remedied. 44873

(E) Each boiler which has been inspected shall be assigned a 44874
number by the superintendent, which number shall be stamped on a 44875
nonferrous metal tag affixed to the boiler or its fittings by seal 44876
or otherwise. No person except an inspector shall deface or remove 44877
any such number or tag. 44878

(F) If the owner or user of any ~~unfired~~ pressure vessel or 44879
boiler disagrees with the inspector as to the necessity for 44880
shutting down ~~an unfired~~ a pressure vessel or boiler or for making 44881
repairs or alterations in it, or taking any other measures for 44882
safety that are requested by an inspector, the owner or user may 44883
appeal from the decision of the inspector to the superintendent, 44884
who may, after such other inspection by a general inspector or 44885
special inspector as the superintendent deems necessary, decide 44886
the issue. 44887

(G) Neither sections 4104.01 to 4104.20 of the Revised Code, 44888
nor an inspection or report by any inspector, shall relieve the 44889
owner or user of ~~an unfired~~ a pressure vessel or boiler of the 44890
duty of using due care in the inspection, operation, and repair of 44891
the ~~unfired~~ pressure vessel or boiler or of any liability for 44892
damages for failure to inspect, repair, or operate the ~~unfired~~ 44893
pressure vessel or boiler safely. 44894

Sec. 4104.18. (A) The owner or user of a boiler required 44895
under section 4104.12 of the Revised Code to be inspected upon 44896

installation, and the owner or user of a boiler for which a 44897
certificate of inspection has been issued which is replaced with 44898
an appropriate certificate of operation, shall pay to the 44899
superintendent of industrial compliance a fee in the amount of 44900
~~thirty~~ forty-five dollars for boilers subject to annual 44901
inspections under section 4104.11 of the Revised Code, ~~sixty~~ 44902
ninety dollars for boilers subject to biennial inspection under 44903
section 4104.13 of the Revised Code, ~~ninety one hundred~~ 44904
thirty-five dollars for boilers subject to triennial inspection 44905
under section 4104.11 of the Revised Code, or ~~one two~~ hundred 44906
fifty twenty-five dollars for boilers subject to quinquennial 44907
inspection under section 4104.13 of the Revised Code. 44908

A renewal fee in the amount of ~~thirty~~ forty-five dollars 44909
shall be paid to the treasurer of state before the renewal of any 44910
certificate of operation. 44911

(B) The fee for complete inspection during construction by a 44912
general inspector on boilers and ~~unfired~~ pressure vessels 44913
manufactured within the state shall be thirty-five dollars per 44914
hour. Boiler and ~~unfired~~ pressure vessel manufacturers other than 44915
those located in the state may secure inspection by a general 44916
inspector on work during construction, upon application to the 44917
superintendent, and upon payment of a fee of thirty-five dollars 44918
per hour, plus the necessary traveling and hotel expenses incurred 44919
by the inspector. 44920

(C) The application fee for applicants for steam engineer, 44921
high pressure boiler operator, or low pressure boiler operator 44922
licenses is fifty dollars. The fee for each original or renewal 44923
steam engineer, high pressure boiler operator, or low pressure 44924
boiler operator license is thirty-five dollars. 44925

(D) The director of commerce, subject to the approval of the 44926
controlling board, may establish fees in excess of the fees 44927
provided in divisions (A), (B), and (C) of this section, ~~provided~~ 44928

~~that such fees do not exceed the amounts established in this~~ 44929
~~section by more than fifty per cent.~~ Any moneys collected under 44930
this section shall be paid into the state treasury to the credit 44931
of the industrial compliance operating fund created in section 44932
121.084 of the Revised Code. 44933

(E) Any person who fails to pay an invoiced renewal fee or an 44934
invoiced inspection fee required for any inspection conducted by 44935
the division of industrial compliance pursuant to this chapter 44936
within forty-five days of the invoice date shall pay a late 44937
payment fee equal to twenty-five per cent of the invoiced fee. 44938

(F) In addition to the fees assessed in divisions (A) and (B) 44939
of this section, the board of building standards shall assess the 44940
owner or user a fee of three dollars and twenty-five cents for 44941
each certificate of operation or renewal thereof issued under 44942
division (A) of this section and for each inspection conducted 44943
under division (B) of this section. The board shall adopt rules, 44944
in accordance with Chapter 119. of the Revised Code, specifying 44945
the manner by which the superintendent shall collect and remit to 44946
the board the fees assessed under this division and requiring that 44947
remittance of the fees be made at least quarterly. 44948

Sec. 4104.19. (A) Any person seeking a license to operate as 44949
a steam engineer, high pressure boiler operator, or low pressure 44950
boiler operator shall file a written application with the 44951
superintendent of industrial compliance on a form prescribed by 44952
the superintendent with the appropriate application fee as set 44953
forth in section 4104.18 of the Revised Code. The application 44954
shall contain information satisfactory to the superintendent to 44955
demonstrate that the applicant meets the requirements of division 44956
(B) of this section. The application shall be filed with the 44957
superintendent not more than sixty days and not less than thirty 44958
days before the license examination is offered. 44959

(B) To qualify to take the examination required to obtain a steam engineer, high pressure boiler operator, or low pressure boiler operator license, a person shall meet both of the following requirements:

(1) Be at least eighteen years of age;

(2) Have one year of experience in the operation of steam engines, high pressure boilers, or low pressure boilers as applicable to the type of license being sought, or a combination of experience and education for the type of license sought as determined to be acceptable by the superintendent.

(C) No applicant shall qualify to take an examination or to renew a license if the applicant has violated this chapter or if the applicant has obtained or renewed a license issued under this chapter by fraud, misrepresentation, or deception.

(D) The superintendent shall issue a license to each applicant who receives a passing score on the examination, as determined by the superintendent, for the license for which the applicant applied.

(E) The superintendent ~~shall~~ may select and contract with one or more persons to do all of the following relative to the examinations for a license to operate as a steam engineer, high pressure boiler operator, or low pressure boiler operator:

(1) Prepare, administer, score, and maintain the confidentiality of the examination;

(2) Maintain responsibility for all expenses required to fulfill division (E)(1) of this section;

(3) Charge each applicant a fee for administering the examination, in an amount authorized by the superintendent;

(4) Design the examination for each type of license to determine an applicant's competence to operate the equipment for

which the applicant is seeking licensure. 44990

(F) Each license issued under this chapter expires one year 44991
after the date of issue. Each person holding a valid, unexpired 44992
license may renew the license, without reexamination, by applying 44993
to the superintendent not more than ninety days before the 44994
expiration of the license, and submitting with the application the 44995
renewal fee established in section 4104.18 of the Revised Code. 44996
Upon receipt of the renewal information and fee, the 44997
superintendent shall issue the licensee a certificate of renewal. 44998

(G) The superintendent, in accordance with Chapter 119. of 44999
the Revised Code, may suspend or revoke any license, or may refuse 45000
to issue a license under this chapter upon finding that a licensee 45001
or an applicant for a license has violated or is violating the 45002
requirements of this chapter. 45003

Sec. 4104.20. No owner or operator of any boiler shall 45004
operate the same in violation of sections 4104.11 to 4104.16, 45005
inclusive, and 4104.18 of the Revised Code, or of any rule or 45006
regulation adopted by the board of building standards, pursuant to 45007
section 4104.02 of the Revised Code, or without having a boiler 45008
inspected and a certificate of operation issued therefor as 45009
provided in such sections or hinder or prevent a general or 45010
special inspector of boilers from entering any premises in or on 45011
which a boiler is situated for the purpose of inspection. No owner 45012
or operator of any ~~unfired~~ pressure vessel shall operate the same 45013
in violation of section 4104.10 of the Revised Code, or of any 45014
rule or regulation adopted by the board of building standards, 45015
pursuant to section 4104.02 of the Revised Code. 45016

Sec. 4104.41. ~~(A)~~ As used in sections 4104.41 to ~~4104.45~~ 45017
4104.48 of the Revised Code: 45018

~~(1)~~(A) "Liquefied petroleum gas" means any material which is 45019

composed predominantly of any of the following hydrocarbons, or 45020
mixtures of the same: propane, propylene, normal butane, or 45021
isobutane or butylenes. 45022

~~(2)(B) "Other gaseous piping systems" excludes natural gas 45023
piping gas systems. 45024~~

~~(B) The director of commerce shall appoint general inspectors 45025
of power, refrigerating, hydraulic, heating, and liquefied 45026
petroleum gas piping systems. Such inspectors shall be appointed 45027
from holders of certificates of competency provided for in section 45028
4104.42 of the Revised Code. 45029~~

~~Salaries shall be appropriated in the same manner as the 45030
salaries of other employees of state departments, and expenses of 45031
such general inspectors shall be provided for in the same manner 45032
as the expenses of other employees of state departments. 45033~~

Sec. 4104.42. (A) Each manufacturer, contractor, owner, or 45034
user of power, refrigerating, hydraulic, heating and liquefied 45035
petroleum gas, oxygen, or other gaseous piping systems shall 45036
conduct tests required under rules adopted by the board of 45037
building standards under division (A)(1) of section 4104.44 of the 45038
Revised Code and certify in writing on forms provided under 45039
section 4104.43 of the Revised Code by the superintendent of 45040
industrial compliance in the department of commerce that the 45041
welding and brazing procedures used in the construction of those 45042
power, refrigerating, hydraulic, heating and liquefied petroleum 45043
gas, oxygen, or other gaseous piping systems meet the standards 45044
established by the board under division (A)(1) of section 4104.44 45045
of the Revised Code. 45046

(B) Each manufacturer, contractor, owner, or user of power, 45047
refrigerating, hydraulic, heating and liquefied petroleum gas, 45048
oxygen, or other gaseous piping systems who causes welding or 45049
brazing to be performed in the construction of power, 45050

refrigerating, hydraulic, heating and liquefied petroleum gas, 45051
oxygen, or other gaseous piping systems shall maintain at least 45052
one copy of the forms described in division (A) of this section 45053
and make that copy accessible to any individual certified by the 45054
board of building standards pursuant to division (E) of section 45055
3781.10 of the Revised Code. 45056

(C) An individual certified by the board of building 45057
standards pursuant to division (E) of section 3781.10 of the 45058
Revised Code shall examine the forms described in division (A) of 45059
this section to determine compliance with the rules adopted by the 45060
board of building standards under division (A)(1) of section 45061
4104.44 of the Revised Code. 45062

(D) An individual certified by the board of building 45063
standards pursuant to division (E) of section 3781.10 of the 45064
Revised Code with reason to question the certification or ability 45065
of any welder or brazer shall report the concerns to the 45066
superintendent of the division of industrial compliance in the 45067
department of commerce. The superintendent shall investigate those 45068
concerns. If the superintendent finds facts that substantiate the 45069
concerns of the individual certified by the board of building 45070
standards pursuant to division (E) of section 3781.10 of the 45071
Revised Code, the superintendent may require the welder or brazer 45072
in question to become recertified by a private vendor in the same 45073
manner by which five-year recertification is required under 45074
section 4104.46 of the Revised Code. The superintendent also may 45075
utilize the services of an independent testing laboratory to 45076
witness the welding or brazing performed on the project in 45077
question and to conduct tests on coupons to determine whether the 45078
coupons meet the requirements of the rules adopted by the board of 45079
building standards under division (A)(1) of section 4104.44 of the 45080
Revised Code. 45081

Sec. 4104.43. (A) Each manufacturer, contractor, owner, or 45082
user of power, refrigerating, hydraulic, heating and liquefied 45083
petroleum gas, oxygen, or other gaseous piping systems who causes 45084
welding or brazing to be performed in the construction of a power, 45085
refrigerating, hydraulic, heating and liquefied petroleum gas, 45086
oxygen, or other gaseous piping system shall file with the 45087
superintendent of the division of industrial compliance two 45088
complete copies of forms provided by the superintendent that 45089
identify the welding and brazing procedure specifications and 45090
welder and brazer performance qualifications performed in the 45091
construction of that power, refrigerating, hydraulic, heating and 45092
liquefied petroleum gas, oxygen, or other gaseous piping system. 45093

(B)(1) Upon receipt of the forms filed under division (A) of 45094
this section, the superintendent shall review the welding and 45095
brazing procedure specifications and welder and brazer performance 45096
qualifications as indicated on the forms to determine compliance 45097
with rules adopted by the board of building standards under 45098
division (A)(1) of section 4104.44 of the Revised Code. 45099

(2) If the superintendent finds that the welding and brazing 45100
procedure specifications and welder and brazer performance 45101
qualifications comply with the requirements of the rules adopted 45102
by the board of building standards under division (A)(1) of 45103
section 4104.44 of the Revised Code, the superintendent shall 45104
approve the welding and brazing procedure specifications and 45105
welder and brazer performance qualifications as indicated on the 45106
forms and return one copy to the manufacturer, contractor, owner, 45107
or user of power, refrigerating, hydraulic, heating and liquefied 45108
petroleum gas, oxygen, or other gaseous piping systems who 45109
submitted the forms. 45110

(3) If the superintendent finds that the welding and brazing 45111
procedure specifications and welder and brazer performance 45112

qualifications do not comply with the requirements of the rules 45113
adopted by the board of building standards under division (A)(1) 45114
of section 4104.44 of the Revised Code, the superintendent shall 45115
indicate on the forms that the welding and brazing procedure 45116
specifications and welder and brazer performance qualifications 45117
are not approved and return one copy of the form to the 45118
manufacturer, contractor, owner, or user of power, refrigerating, 45119
hydraulic, heating and liquefied petroleum gas, oxygen, or other 45120
gaseous piping systems who submitted the forms with an explanation 45121
of why the welding and brazing procedure specifications and welder 45122
and brazer performance qualifications were not approved. 45123

Sec. 4104.44. (A) The board of building standards, 45124
established by section 3781.07 of the Revised Code, shall: 45125

(1) ~~Formulate~~ Adopt rules governing the design, plan review, 45126
approval, construction, and installation of power, refrigerating, 45127
hydraulic, heating, and liquefied petroleum gas, oxygen, and other 45128
gaseous piping systems. ~~Such~~ The board of building standards may 45129
include the rules for piping systems with the rules it adopts for 45130
buildings pursuant to section 3781.10 of the Revised Code or with 45131
the rules it adopts for piping systems pursuant to this section. 45132
The rules shall prescribe uniform minimum standards necessary for 45133
the protection of the public health and safety and shall include 45134
rules establishing the safe working pressure to be carried by any 45135
such systems; a program for the certification of the welding and 45136
brazing procedures proposed to be used on any such system by the 45137
owner or operator of any welding or brazing business and for 45138
quinquennial performance testing of welders and brazers who work 45139
on any such system; and measures for the conservation of energy. 45140
~~Such~~ The rules shall be based upon and follow generally accepted 45141
engineering standards, formulas, and practices established and 45142
pertaining to such piping construction, installation, and testing. 45143
The board may, for this purpose, adopt existing published 45144

standards, as well as amendments thereto subsequently published by 45145
the same authority. 45146

(2) Prescribe the tests, to ascertain the qualities of 45147
materials and welding and brazing materials used in the 45148
construction of power, refrigerating, hydraulic, heating, and 45149
liquefied petroleum gas, oxygen, and other gaseous piping systems; 45150

(3) Make a standard form of certificate of inspection; 45151

~~(4) Prescribe the examinations for applicants for 45152
certificates of competency provided for in section 4104.42 of the 45153
Revised Code and performance tests to determine the proficiency of 45154
welders and brazers; 45155~~

(5) Certify municipal and county building departments to 45156
inspect power, refrigerating, hydraulic, heating, and liquefied 45157
petroleum gas, oxygen, and other gaseous piping systems and adopt 45158
rules governing such certification; 45159

~~(6) Establish the fee to be charged for an inspection made by 45160
a general inspector and for the filing and auditing of special 45161
inspector reports, and collect all fees established in this 45162
section. 45163~~

The fee for the quinquennial performance tests shall be 45164
fifteen dollars and the fee for certification of welding and 45165
brazing procedures mentioned in division (A) of this section shall 45166
be sixty dollars, except that the board of building standards, 45167
with the approval of the controlling board, may establish fees in 45168
excess of these fees, provided that the fees do not exceed the 45169
amounts of these fees by more than fifty per cent. The fee for 45170
each welding and brazing instruction sheet and procedure 45171
qualification record shall be fifteen dollars. Any moneys 45172
collected under this section shall be paid into the state treasury 45173
to the credit of the industrial compliance operating fund created 45174
in section 121.084 of the Revised Code. 45175

~~(B) Piping is exempt from the requirements for submission of applications and inspections and the necessity to obtain permits, as required under this section and section 4104.45 of the Revised Code, or under rules adopted pursuant to those sections, for power, refrigerating, hydraulic, heating, and liquefied petroleum gas, oxygen, and gaseous piping systems if the piping is used:~~

~~(1) In air cooling systems in residential or commercial buildings and if such systems do not exceed five tons (sixty thousand British thermal units per hour) per system; or~~

~~(2) In air heating systems in residential or commercial buildings and if such systems do not exceed one hundred fifty thousand British thermal units per hour per system.~~

~~(C) The board of building standards may, by rule, exempt from the rules adopted pursuant to division (A)(1) of this section any pressure piping power, refrigerating, hydraulic, heating and liquefied petroleum gas, oxygen, or other gaseous piping systems which that pose no appreciable danger to the public health and safety.~~

Sec. 4104.45. (A) Except as otherwise provided in section 4104.44 of the Revised Code, new power, refrigerating, hydraulic, heating, liquefied petroleum gas, oxygen, and other gaseous piping systems shall be thoroughly inspected in accordance with the rules of the board of building standards. Such ~~inspection~~ inspections shall be performed by ~~one of the following:~~

~~(1) General inspectors of pressure piping systems;~~

~~(2) Special inspectors provided for in section 4104.43 of the Revised Code;~~

~~(3) Local inspectors provided for in section 4104.43 of the Revised Code.~~

~~(B) Owners or users of pressure piping systems required to be~~

~~inspected under this section shall pay to the division of 45206
industrial compliance in the department of commerce a fee of one 45207
hundred fifty dollars plus an additional fee determined as 45208
follows: 45209~~

~~(1) On or before June 30, 2000, two per cent of the actual 45210
cost of the system for each inspection made by a general 45211
inspector; 45212~~

~~(2) On July 1, 2000, and through June 30, 2001, one and 45213
eight tenths per cent of the actual cost of the system for each 45214
inspection made by a general inspector; 45215~~

~~(3) On and after July 1, 2001, one per cent of the actual 45216
cost of the system for each inspection made by a general 45217
inspector. 45218~~

~~(C) The board of building standards, subject to the approval 45219
of the controlling board, may establish a fee in excess of the fee 45220
provided in division (B) of this section, provided that the fee 45221
does not exceed the amount established in this section by more 45222
than fifty per cent. 45223~~

~~(D) In addition to the fee assessed in division (B) of this 45224
section, the board of building standards shall assess the owner or 45225
user a fee of three dollars and twenty five cents for each system 45226
inspected pursuant to this section. The board shall adopt rules, 45227
in accordance with Chapter 119. of the Revised Code, specifying 45228
the manner by which the superintendent of the division of 45229
industrial compliance in the department of commerce shall collect 45230
and remit to the board the fees assessed under this division and 45231
requiring that remittance of the fees be made at least quarterly. 45232~~

~~(E) Any moneys collected under this section shall be paid 45233
into the state treasury to the credit of the industrial compliance 45234
operating fund created in section 121.084 of the Revised Code. 45235~~

~~(F) Any person who fails to pay an inspection fee required 45236~~

~~for any inspection conducted by the division pursuant to this~~ 45237
~~chapter within forty five days after the inspection is conducted~~ 45238
~~shall pay a late payment fee equal to twenty five per cent of the~~ 45239
~~inspection fee inspectors designated by the superintendent of the~~ 45240
~~division of industrial compliance in the department of commerce~~ 45241
~~or, within jurisdictional limits established by the board of~~ 45242
~~building standards, by individuals certified by the board of~~ 45243
~~building standards pursuant to division (E) of section 3781.10 of~~ 45244
~~the Revised Code who are designated to do so by local building~~ 45245
~~departments, as appropriate.~~ 45246

~~(G)~~(B) The superintendent of the division of industrial 45247
compliance in the department of commerce may issue adjudication 45248
orders as necessary for the enforcement of sections 4104.41 to 45249
~~4104.46~~ 4104.48 of the Revised Code and rules adopted under those 45250
sections. No person shall violate or fail to comply with the terms 45251
and conditions of an adjudication order issued under this 45252
division. Adjudication orders issued pursuant to this division and 45253
appeals thereof are governed by section 3781.19 of the Revised 45254
Code. 45255

Sec. 4104.46. (A) The design, installation, and testing of 45256
nonflammable medical gas and vacuum piping systems within the 45257
scope of the national fire protection association standard, 45258
section 1-1 of "NFPA 99C, Gas and Vacuum Systems," is governed by 45259
that national fire protection association standard. 45260

(B) Installers, inspectors, verifiers, construction 45261
contracting maintenance personnel, and instructors for the design, 45262
installation, and testing of nonflammable medical gas and vacuum 45263
piping systems shall obtain certification by the American society 45264
of sanitary engineers in accordance with the American society of 45265
sanitary engineering series 6000 requirements. 45266

Sec. 4104.47. (A) No individual other than one certified by a private vendor in accordance with rules adopted by the board of building standards shall perform welding or brazing or both in the construction of power, refrigerating, hydraulic, heating and liquefied petroleum gas, oxygen, or other gaseous piping systems.

(B) Each welder or brazer certified by a private vendor to perform welding or brazing or both in the construction of power, refrigerating, hydraulic, heating and liquefied petroleum gas, oxygen, or other gaseous piping systems shall be recertified by a private vendor to perform those services five years after the date of the original certification and every five years thereafter in accordance with rules adopted by the board. A private vendor shall recertify a welder or brazer who meets the requirements established by the board under division (A)(1) of section 4104.44 of the Revised Code.

~~Sec. 4104.46~~ 4104.48. (A) No person shall violate sections 4104.41 to ~~4104.46~~ 4104.48 of the Revised Code, fail to perform any duty lawfully enjoined in connection with those sections, or fail to comply with any order issued by the superintendent of the division of industrial compliance or any judgment or decree issued by any court in connection with the enforcement of sections 4104.41 to ~~4104.46~~ 4104.48 of the Revised Code.

(B) Every day during which a person violates sections 4104.41 to ~~4104.46~~ 4104.48 of the Revised Code, fails to perform any duty lawfully enjoined in connection with those sections, or fails to comply with any order issued by the superintendent of the division of industrial compliance or any judgment or decree issued by any court in connection with the enforcement of sections 4104.41 to ~~4104.46~~ 4104.48 of the Revised Code constitutes a separate offense.

Sec. 4105.17. (A) The fee for each inspection, or attempted inspection that, due to no fault of a general inspector or the division of industrial compliance, is not successfully completed, by a general inspector before the operation of a permanent new elevator prior to the issuance of a certificate of operation, before operation of an elevator being put back into service after a repair, or as a result of the operation of section 4105.08 of the Revised Code and is an elevator required to be inspected under this chapter is twenty dollars plus ten dollars for each floor where the elevator stops. The superintendent of industrial compliance may assess an additional fee of one hundred twenty-five dollars plus five dollars for each floor where an elevator stops for the reinspection of an elevator when a previous attempt to inspect that elevator has been unsuccessful through no fault of a general inspector or the division of industrial compliance.

(B) The fee for each inspection, or attempted inspection, that due to no fault of the general inspector or the division of industrial compliance, is not successfully completed by a general inspector before operation of a permanent new escalator or moving walk prior to the issuance of a certificate of operation, before operation of an escalator or moving walk being put back in service after a repair, or as a result of the operation of section 4105.08 of the Revised Code is three hundred dollars. The superintendent of the division of industrial compliance may assess an additional fee of one hundred fifty dollars for the reinspection of an escalator or moving walk when a previous attempt to inspect that escalator or moving walk has been unsuccessful through no fault of the general inspector or the division of industrial compliance.

(C) The fee for issuing or renewing a certificate of operation under section 4105.15 of the Revised Code for an elevator that is inspected every six months in accordance with

division (A) of section 4105.10 of the Revised Code is ~~one~~ two 45328
hundred ~~five~~ dollars plus ten dollars for each floor where the 45329
elevator stops, except where the elevator has been inspected by a 45330
special inspector in accordance with section 4105.07 of the 45331
Revised Code. 45332

(D) The fee for issuing or renewing a certificate of 45333
operation under section 4105.05 of the Revised Code for an 45334
elevator that is inspected every twelve months in accordance with 45335
division (A) of section 4105.10 of the Revised Code is fifty-five 45336
dollars plus ten dollars for each floor where the elevator stops, 45337
except where the elevator has been inspected by a special 45338
inspector in accordance with section 4105.07 of the Revised Code. 45339

(E) The fee for issuing or renewing a certificate of 45340
operation under section 4105.15 of the Revised Code for an 45341
escalator or moving walk is three hundred dollars, except where 45342
the escalator or moving walk has been inspected by a special 45343
inspector in accordance section 4105.07 of the Revised Code. 45344

(F) All other fees to be charged for any examination given or 45345
other service performed by the division of industrial compliance 45346
pursuant to this chapter shall be prescribed by the director of 45347
commerce. The fees shall be reasonably related to the costs of 45348
such examination or other service. 45349

(G) The director of commerce, subject to the approval of the 45350
controlling board, may establish fees in excess of the fees 45351
provided in divisions (A) ~~and~~, (B), (C), (D), and (E) of this 45352
section, ~~provided that the fees do not exceed the amounts~~ 45353
~~established in divisions (A) and (B) of this section by more than~~ 45354
~~fifty per cent.~~ Any moneys collected under this section shall be 45355
paid into the state treasury to the credit of the industrial 45356
compliance operating fund created in section 121.084 of the 45357
Revised Code. 45358

(H) Any person who fails to pay an inspection fee required 45359
for any inspection conducted by the division pursuant to this 45360
chapter within forty-five days after the inspection is conducted 45361
shall pay a late payment fee equal to twenty-five per cent of the 45362
inspection fee. 45363

(I) In addition to the fees assessed in divisions (A), (B), 45364
(C), ~~and (D)~~, and (E) of this section, the board of building 45365
standards shall assess a fee of three dollars and twenty-five 45366
cents for each certificate of operation or renewal thereof issued 45367
under ~~division~~ divisions (A), (B), (C), (D), or (E) of this 45368
section and for each permit issued under section 4105.16 of the 45369
Revised Code. The board shall adopt rules, in accordance with 45370
Chapter 119. of the Revised Code, specifying the manner by which 45371
the superintendent of industrial compliance shall collect and 45372
remit to the board the fees assessed under this division and 45373
requiring that remittance of the fees be made at least quarterly. 45374

(J) For purposes of this section: 45375

(1) "Escalator" means a power driven, inclined, continuous 45376
stairway used for raising or lowering passengers. 45377

(2) "Moving walk" means a passenger carrying device on which 45378
passengers stand or walk, with a passenger carrying surface that 45379
is uninterrupted and remains parallel to its direction of motion. 45380

Sec. 4112.15. There is hereby created in the state treasury 45381
the civil rights commission general reimbursement fund, which 45382
shall be used to pay operating costs of the commission. All 45383
amounts received by the commission, and all amounts awarded by a 45384
court to the commission, for attorney's fees, court costs, expert 45385
witness fees, and other litigation expenses shall be paid into the 45386
state treasury to the credit of the fund. All ~~money paid to~~ 45387
amounts received by the commission for copies of commission 45388

documents and for other goods and services furnished by the 45389
commission shall be ~~credited~~ paid into the state treasury to the 45390
credit of the fund. 45391

Sec. 4115.10. (A) No person, firm, corporation, or public 45392
authority that constructs a public improvement with its own 45393
forces, the total overall project cost of which is fairly 45394
estimated to be more than the amounts set forth in division (B)(1) 45395
or (2) of section 4115.03 of the Revised Code, adjusted biennially 45396
by the director of commerce pursuant to section 4115.034 of the 45397
Revised Code, shall violate the wage provisions of sections 45398
4115.03 to 4115.16 of the Revised Code, or suffer, permit, or 45399
require any employee to work for less than the rate of wages so 45400
fixed, or violate the provisions of section 4115.07 of the Revised 45401
Code. Any employee upon any public improvement, except an employee 45402
to whom or on behalf of whom restitution is made pursuant to 45403
division (C) of section 4115.13 of the Revised Code, who is paid 45404
less than the fixed rate of wages applicable thereto may recover 45405
from such person, firm, corporation, or public authority that 45406
constructs a public improvement with its own forces the difference 45407
between the fixed rate of wages and the amount paid to the 45408
employee and in addition thereto a sum equal to twenty-five per 45409
cent of that difference. The person, firm, corporation, or public 45410
authority who fails to pay the rate of wages so fixed also shall 45411
pay a penalty to the director of seventy-five per cent of the 45412
difference between the fixed rate of wages and the amount paid to 45413
the employees on the public improvement. The director shall 45414
deposit all moneys received from penalties paid to the director 45415
pursuant to this section into the penalty enforcement fund, which 45416
is hereby created in the state treasury. The director shall use 45417
the fund for the enforcement of sections 4115.03 to 4115.16 of the 45418
Revised Code. The employee may file suit for recovery within ~~sixty~~ 45419
ninety days of the director's determination of a violation of 45420

sections 4115.03 to 4115.16 of the Revised Code or is barred from 45421
further action under this division. Where the employee prevails in 45422
a suit, the employer shall pay the costs and reasonable attorney's 45423
fees allowed by the court. 45424

(B) Any employee upon any public improvement who is paid less 45425
than the prevailing rate of wages applicable thereto may file a 45426
complaint in writing with the director upon a form furnished by 45427
the director. ~~At the written request~~ The complaint shall include 45428
documented evidence to demonstrate that the employee was paid less 45429
than the prevailing wage in violation of this chapter. Upon 45430
receipt of a properly completed written complaint of any employee 45431
paid less than the prevailing rate of wages applicable, the 45432
director shall take an assignment of a claim in trust for the 45433
assigning employee and bring any legal action necessary to collect 45434
the claim. The employer shall pay the costs and reasonable 45435
attorney's fees allowed by the court if the employer is found in 45436
violation of sections 4115.03 to 4115.16 of the Revised Code. 45437

(C) If after investigation pursuant to section 4115.13 of the 45438
Revised Code, the director determines there is a violation of 45439
sections 4115.03 to 4115.16 of the Revised Code and a period of 45440
sixty days has elapsed from the date of the determination, and if: 45441

(1) No employee has brought suit pursuant to division (A) of 45442
this section; 45443

(2) No employee has requested that the director take an 45444
assignment of a wage claim pursuant to division (B) of this 45445
section; 45446

The director shall bring any legal action necessary to 45447
collect any amounts owed to employees and the director. The 45448
director shall pay over to the affected employees the amounts 45449
collected to which the affected employees are entitled under 45450
division (A) of this section. In any action in which the director 45451

prevails, the employer shall pay the costs and reasonable attorney's fees allowed by the court.

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

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

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

Sec. 4115.21. A person who files a complaint with the director of commerce alleging a violation of sections 4115.03 to 4115.16 of the Revised Code shall file the complaint within two years after the completion of the public improvement upon which the violation is alleged to have occurred or be barred from further administrative action under this chapter.

Sec. 4117.02. (A) There is hereby created the state

employment relations board, consisting of three members to be 45482
appointed by the governor with the advice and consent of the 45483
senate. Members shall be knowledgeable about labor relations or 45484
personnel practices. No more than two of the three members shall 45485
belong to the same political party. A member of the board during 45486
the member's period of service shall hold no other public office 45487
or public or private employment and shall allow no other 45488
responsibilities to interfere or conflict with the member's duties 45489
as a full-time board member. Of the initial appointments made to 45490
the board, one shall be for a term ending October 6, 1984, one 45491
shall be for a term ending October 6, 1985, and one shall be for a 45492
term ending October 6, 1986. Thereafter, terms of office shall be 45493
for six years, each term ending on the same day of the same month 45494
of the year as did the term that it succeeds. Each member shall 45495
hold office from the date of the member's appointment until the 45496
end of the term for which the member is appointed. Any member 45497
appointed to fill a vacancy occurring prior to the expiration of 45498
the term for which the member's predecessor was appointed shall 45499
hold office for the remainder of the term. Any member shall 45500
continue in office subsequent to the expiration of the member's 45501
term until the member's successor takes office or until a period 45502
of sixty days has elapsed, whichever occurs first. The 45503

~~The governor shall designate one member to serve as~~ 45504
~~chairperson of the board.~~ The governor may remove any member of 45505
the board, upon notice and public hearing, for neglect of duty or 45506
malfeasance in office, but for no other cause. 45507

(B) A (1) The governor shall designate one member of the 45508
board to serve as chairperson of the board. The chairperson is the 45509
head of the board and its chief executive officer. 45510

(2) The chairperson shall exercise all administrative powers 45511
and duties conferred upon the board under this chapter and shall 45512
do all of the following: 45513

(a) Except as provided in division (F)(2) of this section, 45514
employ, promote, supervise, and remove all employees of the board, 45515
and establish, change, or abolish positions and assign or reassign 45516
the duties of those employees as the chairperson determines 45517
necessary to achieve the most efficient performance of the board's 45518
duties under this chapter; 45519

(b) Maintain the office of the board in Columbus and manage 45520
the office's daily operations, including securing facilities, 45521
equipment, and supplies necessary to house the board, employees of 45522
the board, and files and records under the board's control; 45523

(c) Prepare and submit to the office of budget and management 45524
a budget for each biennium according to section 107.03 of the 45525
Revised Code, and include in the budget the costs of the board and 45526
its staff and the board's costs in discharging any duty imposed by 45527
law upon the board, the chairperson, or any of the board's 45528
employees or agents. 45529

(C) The vacancy on the board does not impair the right of the 45530
remaining members to exercise all the powers of the board, and two 45531
members of the board, at all times, constitute a quorum. The board 45532
shall have an official seal of which courts shall take judicial 45533
notice. 45534

~~(C)~~(D) The board shall make an annual report in writing to 45535
the governor and to the general assembly, stating in detail the 45536
work it has done. 45537

~~(D)~~(E) Compensation of the chairperson and members shall be 45538
in accordance with division (J) of section 124.15 of the Revised 45539
Code. The chairperson and the members are eligible for 45540
reappointment. In addition to such compensation, all members shall 45541
be reimbursed for their necessary expenses incurred in the 45542
performance of their work as members. 45543

~~(E)~~(F)(1) The chairperson, after consulting with the other 45544

board members and receiving the consent of at least one other 45545
board member, shall appoint an executive director ~~and.~~ The 45546
chairperson also shall appoint attorneys, ~~and~~ attorney-trial 45547
~~examiners, mediators, arbitrators, members of fact-finding panels,~~ 45548
~~directors for local areas, and other employees as it finds~~ 45549
~~necessary for the proper performance of its duties and may~~ 45550
~~prescribe their duties.~~ The 45551

(2) The board shall appoint mediators, arbitrators, members 45552
of fact-finding panels, and directors for local areas, and shall 45553
prescribe their job duties. 45554

(G)(1) The executive director shall serve at the pleasure of 45555
the chairperson. The executive director, under the direction of 45556
the chairperson, shall do all of the following: 45557

(a) Act as chief administrative officer for the board; 45558

(b) Ensure that all employees of the board comply with the 45559
rules of the board; 45560

(c) Do all things necessary for the efficient and effective 45561
implementation of the duties of the board. 45562

(2) The duties of the executive director described in 45563
division (G)(1) of this section do not relieve the chairperson 45564
from final responsibility for the proper performance of the duties 45565
described in that division. 45566

(H) The attorney general shall be the legal adviser of the 45567
board and shall appear for and represent the board and its agents 45568
in all legal proceedings. The board may utilize regional, local, 45569
or other agencies, and utilize voluntary and uncompensated 45570
services as needed. The board may contract with the federal 45571
mediation and conciliation service for the assistance of 45572
mediators, arbitrators, and other personnel the service makes 45573
available. The board and the chairperson, respectively, shall 45574
appoint all employees on the basis of training, practical 45575

experience, education, and character, notwithstanding the 45576
requirements established by section 119.09 of the Revised Code. 45577
The board shall give special regard to the practical training and 45578
experience that employees have for the particular position 45579
involved. All full-time employees of the board excepting the 45580
executive director, the head of the bureau of mediation, and the 45581
personal secretaries and assistants of the board members are in 45582
the classified service. All employees of the board shall be paid 45583
in accordance with Chapter 124. of the Revised Code. 45584

~~(F)~~(I) The board shall select and assign examiners and other 45585
agents whose functions are to conduct hearings with due regard to 45586
their impartiality, judicial temperament, and knowledge. If in any 45587
proceeding under this chapter, any party prior to five days before 45588
the hearing thereto files with the board a sworn statement 45589
charging that the examiner or other agent designated to conduct 45590
the hearing is biased or partial in the proceeding, the board may 45591
disqualify the person and designate another examiner or agent to 45592
conduct the proceeding. At least ten days before any hearing, the 45593
board shall notify all parties to a proceeding of the name of the 45594
examiner or agent designated to conduct the hearing. 45595

~~(G)~~(J) The principal office of the board is in Columbus, but 45596
it may meet and exercise any or all of its powers at any other 45597
place within the state. The board may, by one or more of its 45598
employees, or any agents or agencies it designates, conduct in any 45599
part of this state any proceeding, hearing, investigation, 45600
inquiry, or election necessary to the performance of its 45601
functions; provided, that no person so designated may later sit in 45602
determination of an appeal of the decision of that cause or 45603
matter. 45604

~~(H)~~(K) In addition to the powers and functions provided in 45605
other sections of this chapter, the board shall do all of the 45606
following: 45607

(1) Create a bureau of mediation within the state employment relations board, to perform the functions provided in section 4117.14 of the Revised Code. This bureau shall also establish, after consulting representatives of employee organizations and public employers, panels of qualified persons to be available to serve as members of fact-finding panels and arbitrators.

(2) Conduct studies of problems involved in representation and negotiation and make recommendations for legislation;

(3) Hold hearings pursuant to this chapter and, for the purpose of the hearings and inquiries, administer oaths and affirmations, examine witnesses and documents, take testimony and receive evidence, compel the attendance of witnesses and the production of documents by the issuance of subpoenas, and delegate these powers to any members of the board or any attorney-trial examiner appointed by the board for the performance of its functions;

(4) Train representatives of employee organizations and public employers in the rules and techniques of collective bargaining procedures;

(5) Make studies and analyses of, and act as a clearinghouse of information relating to, conditions of employment of public employees throughout the state and request assistance, services, and data from any public employee organization, public employer, or governmental unit. Public employee organizations, public employers, and governmental units shall provide such assistance, services, and data as will enable the board to carry out its functions and powers.

(6) Make available to employee organizations, public employers, mediators, fact-finding panels, arbitrators, and joint study committees statistical data relating to wages, benefits, and employment practices in public and private employment applicable

to various localities and occupations to assist them to resolve 45639
issues in negotiations; 45640

(7) Notwithstanding section 119.13 of the Revised Code, 45641
establish standards of persons who practice before it; 45642

(8) Adopt, amend, and rescind rules and procedures and 45643
exercise other powers appropriate to carry out this chapter. 45644
Before the adoption, amendment, or rescission of rules and 45645
procedures under this section, the board shall do all of the 45646
following: 45647

(a) Maintain a list of interested public employers and 45648
employee organizations and mail notice to such groups of any 45649
proposed rule or procedure, amendment thereto, or rescission 45650
thereof at least thirty days before any public hearing thereon; 45651

(b) Mail a copy of each proposed rule or procedure, amendment 45652
thereto, or rescission thereof to any person who requests a copy 45653
within five days after receipt of the request therefor; 45654

(c) Consult with appropriate statewide organizations 45655
representing public employers or employees who would be affected 45656
by the proposed rule or procedure. 45657

Although the board is expected to discharge these duties 45658
diligently, failure to mail any notice or copy, or to so consult 45659
with any person, is not jurisdictional and shall not be construed 45660
to invalidate any proceeding or action of the board. 45661

~~(I)~~(L) In case of neglect or refusal to obey a subpoena 45662
issued to any person, the court of common pleas of the county in 45663
which the investigation or the public hearing occurs, upon 45664
application by the board, may issue an order requiring the person 45665
to appear before the board and give testimony about the matter 45666
under investigation. The court may punish a failure to obey the 45667
order as contempt. 45668

~~(J)~~(M) Any subpoena, notice of hearing, or other process or 45669
notice of the board issued under this section may be served 45670
personally, by certified mail, or by leaving a copy at the 45671
principal office or personal residence of the respondent required 45672
to be served. A return, made and verified by the individual making 45673
the service and setting forth the manner of service, is proof of 45674
service, and a return post office receipt, when certified mail is 45675
used, is proof of service. All process in any court to which 45676
application is made under this chapter may be served in the county 45677
wherein the persons required to be served reside or are found. 45678

~~(K)~~(N) All expenses of the board, including all necessary 45679
traveling and subsistence expenses incurred by the members or 45680
employees of the board under its orders, shall be paid pursuant to 45681
itemized vouchers approved by the chairperson of the board, the 45682
executive director, or both, or such other person as the ~~board~~ 45683
chairperson designates for that purpose. 45684

~~(L)~~(O) Whenever the board determines that a substantial 45685
controversy exists with respect to the application or 45686
interpretation of this chapter and the matter is of public or 45687
great general interest, the board shall certify its final order 45688
directly to the court of appeals having jurisdiction over the area 45689
in which the principal office of the public employer directly 45690
affected by the application or interpretation is located. The 45691
chairperson shall file with the clerk of the court a certified 45692
copy of the transcript of the proceedings before the board 45693
pertaining to the final order. If upon hearing and consideration 45694
the court decides that the final order of the board is unlawful or 45695
is not supported by substantial evidence on the record as a whole, 45696
the court shall reverse and vacate the final order or modify it 45697
and enter final judgment in accordance with the modification; 45698
otherwise, the court shall affirm the final order. The notice of 45699
the final order of the board to the interested parties shall 45700

contain a certification by the chairperson of the board that the 45701
final order is of public or great general interest and that a 45702
certified transcript of the record of the proceedings before the 45703
board had been filed with the clerk of the court as an appeal to 45704
the court. For the purposes of this division, the board has 45705
standing to bring its final order properly before the court of 45706
appeals. 45707

~~(M)~~(P) Except as otherwise specifically provided in this 45708
section, the board is subject to Chapter 119. of the Revised Code, 45709
including the procedure for submission of proposed rules to the 45710
general assembly for legislative review under division (H) of 45711
section 119.03 of the Revised Code. 45712

Sec. 4117.14. (A) The procedures contained in this section 45713
govern the settlement of disputes between an exclusive 45714
representative and a public employer concerning the termination or 45715
modification of an existing collective bargaining agreement or 45716
negotiation of a successor agreement, or the negotiation of an 45717
initial collective bargaining agreement. 45718

(B)(1) In those cases where there exists a collective 45719
bargaining agreement, any public employer or exclusive 45720
representative desiring to terminate, modify, or negotiate a 45721
successor collective bargaining agreement shall: 45722

(a) Serve written notice upon the other party of the proposed 45723
termination, modification, or successor agreement. The party must 45724
serve the notice not less than sixty days prior to the expiration 45725
date of the existing agreement or, in the event the existing 45726
collective bargaining agreement does not contain an expiration 45727
date, not less than sixty days prior to the time it is proposed to 45728
make the termination or modifications or to make effective a 45729
successor agreement. 45730

(b) Offer to bargain collectively with the other party for 45731

the purpose of modifying or terminating any existing agreement or 45732
negotiating a successor agreement; 45733

(c) Notify the state employment relations board of the offer 45734
by serving upon the board a copy of the written notice to the 45735
other party and a copy of the existing collective bargaining 45736
agreement. 45737

(2) In the case of initial negotiations between a public 45738
employer and an exclusive representative, where a collective 45739
bargaining agreement has not been in effect between the parties, 45740
any party may serve notice upon the board and the other party 45741
setting forth the names and addresses of the parties and offering 45742
to meet, for a period of ninety days, with the other party for the 45743
purpose of negotiating a collective bargaining agreement. 45744

If the settlement procedures specified in divisions (B), (C), 45745
and (D) of this section govern the parties, where those procedures 45746
refer to the expiration of a collective bargaining agreement, it 45747
means the expiration of the sixty-day period to negotiate a 45748
collective bargaining agreement referred to in this subdivision, 45749
or in the case of initial negotiations, it means the ninety day 45750
period referred to in this subdivision. 45751

(3) The parties shall continue in full force and effect all 45752
the terms and conditions of any existing collective bargaining 45753
agreement, without resort to strike or lock-out, for a period of 45754
sixty days after the party gives notice or until the expiration 45755
date of the collective bargaining agreement, whichever occurs 45756
later, or for a period of ninety days where applicable. 45757

(4) Upon receipt of the notice, the parties shall enter into 45758
collective bargaining. 45759

(C) In the event the parties are unable to reach an 45760
agreement, they may submit, at any time prior to forty-five days 45761
before the expiration date of the collective bargaining agreement, 45762

the issues in dispute to any mutually agreed upon dispute 45763
settlement procedure which supersedes the procedures contained in 45764
this section. 45765

(1) The procedures may include: 45766

(a) Conventional arbitration of all unsettled issues; 45767

(b) Arbitration confined to a choice between the last offer 45768
of each party to the agreement as a single package; 45769

(c) Arbitration confined to a choice of the last offer of 45770
each party to the agreement on each issue submitted; 45771

(d) The procedures described in division (C)(1)(a), (b), or 45772
(c) of this section and including among the choices for the 45773
arbitrator, the recommendations of the fact finder, if there are 45774
recommendations, either as a single package or on each issue 45775
submitted; 45776

(e) Settlement by a citizens' conciliation council composed 45777
of three residents within the jurisdiction of the public employer. 45778
The public employer shall select one member and the exclusive 45779
representative shall select one member. The two members selected 45780
shall select the third member who shall chair the council. If the 45781
two members cannot agree upon a third member within five days 45782
after their appointments, the board shall appoint the third 45783
member. Once appointed, the council shall make a final settlement 45784
of the issues submitted to it pursuant to division (G) of this 45785
section. 45786

(f) Any other dispute settlement procedure mutually agreed to 45787
by the parties. 45788

(2) If, fifty days before the expiration date of the 45789
collective bargaining agreement, the parties are unable to reach 45790
an agreement, any party may request the state employment relations 45791
board to intervene. The request shall set forth the names and 45792

addresses of the parties, the issues involved, and, if applicable, 45793
the expiration date of any agreement. 45794

The board shall intervene and investigate the dispute to 45795
determine whether the parties have engaged in collective 45796
bargaining. 45797

If an impasse exists or forty-five days before the expiration 45798
date of the collective bargaining agreement if one exists, the 45799
board shall appoint a mediator to assist the parties in the 45800
collective bargaining process. 45801

~~(3) If the mediator after assisting the parties advises the 45802
board that the parties have reached an impasse, or not later than 45803
thirty one days prior to the expiration date of the agreement Any 45804
time after the appointment of a mediator, either party may request 45805
the appointment of a fact-finding panel. Within fifteen days after 45806
receipt of a request for a fact-finding panel, the board shall 45807
appoint ~~within one day~~ a fact-finding panel of not more than three 45808
members who have been selected by the parties in accordance with 45809
rules established by the board, from a list of qualified persons 45810
maintained by the board. 45811~~

(a) The fact-finding panel shall, in accordance with rules 45812
and procedures established by the board that include the 45813
regulation of costs and expenses of fact-finding, gather facts and 45814
make recommendations for the resolution of the matter. The board 45815
shall by its rules require each party to specify in writing the 45816
unresolved issues and its position on each issue to the 45817
fact-finding panel. The fact-finding panel shall make final 45818
recommendations as to all the unresolved issues. 45819

(b) The board may continue mediation, order the parties to 45820
engage in collective bargaining until the expiration date of the 45821
agreement, or both. 45822

(4) The following guidelines apply to fact-finding: 45823

(a) The fact-finding panel may establish times and place of 45824
hearings which shall be, where feasible, in the jurisdiction of 45825
the state. 45826

(b) The fact-finding panel shall conduct the hearing pursuant 45827
to rules established by the board. 45828

(c) Upon request of the fact-finding panel, the board shall 45829
issue subpoenas for hearings conducted by the panel. 45830

(d) The fact-finding panel may administer oaths. 45831

(e) The board shall prescribe guidelines for the fact-finding 45832
panel to follow in making findings. In making its recommendations, 45833
the fact-finding panel shall take into consideration the factors 45834
listed in divisions (G)(7)(a) to (f) of this section. 45835

(f) The fact-finding panel may attempt mediation at any time 45836
during the fact-finding process. From the time of appointment 45837
until the fact-finding panel makes a final recommendation, it 45838
shall not discuss the recommendations for settlement of the 45839
dispute with parties other than the direct parties to the dispute. 45840

(5) The fact-finding panel, acting by a majority of its 45841
members, shall transmit its findings of fact and recommendations 45842
on the unresolved issues to the public employer and employee 45843
organization involved and to the board no later than fourteen days 45844
after the appointment of the fact-finding panel, unless the 45845
parties mutually agree to an extension. The ~~state parties~~ shall 45846
~~pay one half share~~ the cost of the fact-finding panel. ~~The parties~~ 45847
~~each shall pay one half of the remaining costs in a manner agreed~~ 45848
~~to by the parties.~~ 45849

(6)(a) Not later than seven days after the findings and 45850
recommendations are sent, the legislative body, by a three-fifths 45851
vote of its total membership, and in the case of the public 45852
employee organization, the membership, by a three-fifths vote of 45853

the total membership, may reject the recommendations; if neither 45854
rejects the recommendations, the recommendations shall be deemed 45855
agreed upon as the final resolution of the issues submitted and a 45856
collective bargaining agreement shall be executed between the 45857
parties, including the fact-finding panel's recommendations, 45858
except as otherwise modified by the parties by mutual agreement. 45859
If either the legislative body or the public employee organization 45860
rejects the recommendations, the board shall publicize the 45861
findings of fact and recommendations of the fact-finding panel. 45862
The board shall adopt rules governing the procedures and methods 45863
for public employees to vote on the recommendations of the 45864
fact-finding panel. 45865

(b) As used in division (C)(6)(a) of this section, 45866
"legislative body" means the controlling board when the state or 45867
any of its agencies, authorities, commissions, boards, or other 45868
branch of public employment is party to the fact-finding process. 45869

(D) If the parties are unable to reach agreement within seven 45870
days after the publication of findings and recommendations from 45871
the fact-finding panel or the collective bargaining agreement, if 45872
one exists, has expired, then the: 45873

(1) Public employees, who are members of a police or fire 45874
department, members of the state highway patrol, deputy sheriffs, 45875
dispatchers employed by a police, fire or sheriff's department or 45876
the state highway patrol or civilian dispatchers employed by a 45877
public employer other than a police, fire, or sheriff's department 45878
to dispatch police, fire, sheriff's department, or emergency 45879
medical or rescue personnel and units, an exclusive nurse's unit, 45880
employees of the state school for the deaf or the state school for 45881
the blind, employees of any public employee retirement system, 45882
corrections officers, guards at penal or mental institutions, 45883
special police officers appointed in accordance with sections 45884
5119.14 and 5123.13 of the Revised Code, psychiatric attendants 45885

employed at mental health forensic facilities, or youth leaders 45886
employed at juvenile correctional facilities, shall submit the 45887
matter to a final offer settlement procedure pursuant to a board 45888
order issued forthwith to the parties to settle by a conciliator 45889
selected by the parties. The parties shall request from the board 45890
a list of five qualified conciliators and the parties shall select 45891
a single conciliator from the list by alternate striking of names. 45892
If the parties cannot agree upon a conciliator within five days 45893
after the board order, the board shall on the sixth day after its 45894
order appoint a conciliator from a list of qualified persons 45895
maintained by the board or shall request a list of qualified 45896
conciliators from the American arbitration association and appoint 45897
therefrom. 45898

(2) Public employees other than those listed in division 45899
(D)(1) of this section have the right to strike under Chapter 45900
4117. of the Revised Code provided that the employee organization 45901
representing the employees has given a ten-day prior written 45902
notice of an intent to strike to the public employer and to the 45903
board, and further provided that the strike is for full, 45904
consecutive work days and the beginning date of the strike is at 45905
least ten work days after the ending date of the most recent prior 45906
strike involving the same bargaining unit; however, the board, at 45907
its discretion, may attempt mediation at any time. 45908

(E) Nothing in this section shall be construed to prohibit 45909
the parties, at any time, from voluntarily agreeing to submit any 45910
or all of the issues in dispute to any other alternative dispute 45911
settlement procedure. An agreement or statutory requirement to 45912
arbitrate or to settle a dispute pursuant to a final offer 45913
settlement procedure and the award issued in accordance with the 45914
agreement or statutory requirement is enforceable in the same 45915
manner as specified in division (B) of section 4117.09 of the 45916
Revised Code. 45917

(F) Nothing in this section shall be construed to prohibit a party from seeking enforcement of a collective bargaining agreement or a conciliator's award as specified in division (B) of section 4117.09 of the Revised Code.

(G) The following guidelines apply to final offer settlement proceedings under division (D)(1) of this section:

(1) The parties shall submit to final offer settlement those issues that are subject to collective bargaining as provided by section 4117.08 of the Revised Code and upon which the parties have not reached agreement and other matters mutually agreed to by the public employer and the exclusive representative; except that the conciliator may attempt mediation at any time.

(2) The conciliator shall hold a hearing within thirty days of the board's order to submit to a final offer settlement procedure, or as soon thereafter as is practicable.

(3) The conciliator shall conduct the hearing pursuant to rules developed by the board. The conciliator shall establish the hearing time and place, but it shall be, where feasible, within the jurisdiction of the state. Not later than five calendar days before the hearing, each of the parties shall submit to the conciliator, to the opposing party, and to the board, a written report summarizing the unresolved issues, the party's final offer as to the issues, and the rationale for that position.

(4) Upon the request by the conciliator, the board shall issue subpoenas for the hearing.

(5) The conciliator may administer oaths.

(6) The conciliator shall hear testimony from the parties and provide for a written record to be made of all statements at the hearing. The board shall submit for inclusion in the record and for consideration by the conciliator the written report and

recommendation of the fact-finders. 45948

(7) After hearing, the conciliator shall resolve the dispute 45949
between the parties by selecting, on an issue-by-issue basis, from 45950
between each of the party's final settlement offers, taking into 45951
consideration the following: 45952

(a) Past collectively bargained agreements, if any, between 45953
the parties; 45954

(b) Comparison of the issues submitted to final offer 45955
settlement relative to the employees in the bargaining unit 45956
involved with those issues related to other public and private 45957
employees doing comparable work, giving consideration to factors 45958
peculiar to the area and classification involved; 45959

(c) The interests and welfare of the public, the ability of 45960
the public employer to finance and administer the issues proposed, 45961
and the effect of the adjustments on the normal standard of public 45962
service; 45963

(d) The lawful authority of the public employer; 45964

(e) The stipulations of the parties; 45965

(f) Such other factors, not confined to those listed in this 45966
section, which are normally or traditionally taken into 45967
consideration in the determination of the issues submitted to 45968
final offer settlement through voluntary collective bargaining, 45969
mediation, fact-finding, or other impasse resolution procedures in 45970
the public service or in private employment. 45971

(8) Final offer settlement awards made under Chapter 4117. of 45972
the Revised Code are subject to Chapter 2711. of the Revised Code. 45973

(9) If more than one conciliator is used, the determination 45974
must be by majority vote. 45975

(10) The conciliator shall make written findings of fact and 45976
promulgate a written opinion and order upon the issues presented 45977

to the conciliator, and upon the record made before the 45978
conciliator and shall mail or otherwise deliver a true copy 45979
thereof to the parties and the board. 45980

(11) Increases in rates of compensation and other matters 45981
with cost implications awarded by the conciliator may be effective 45982
only at the start of the fiscal year next commencing after the 45983
date of the final offer settlement award; provided that if a new 45984
fiscal year has commenced since the issuance of the board order to 45985
submit to a final offer settlement procedure, the awarded 45986
increases may be retroactive to the commencement of the new fiscal 45987
year. The parties may, at any time, amend or modify a 45988
conciliator's award or order by mutual agreement. 45989

(12) The parties shall bear equally the cost of the final 45990
offer settlement procedure. 45991

(13) Conciliators appointed pursuant to this section shall be 45992
residents of the state. 45993

(H) All final offer settlement awards and orders of the 45994
conciliator made pursuant to Chapter 4117. of the Revised Code are 45995
subject to review by the court of common pleas having jurisdiction 45996
over the public employer as provided in Chapter 2711. of the 45997
Revised Code. If the public employer is located in more than one 45998
court of common pleas district, the court of common pleas in which 45999
the principal office of the chief executive is located has 46000
jurisdiction. 46001

(I) The issuance of a final offer settlement award 46002
constitutes a binding mandate to the public employer and the 46003
exclusive representative to take whatever actions are necessary to 46004
implement the award. 46005

Sec. 4123.27. Information contained in the annual statement 46006
provided for in section 4123.26 of the Revised Code, and such 46007

other information as may be furnished to the bureau of workers' 46008
compensation by employers in pursuance of that section, is for the 46009
exclusive use and information of the bureau in the discharge of 46010
its official duties, and shall not be open to the public nor be 46011
used in any court in any action or proceeding pending therein 46012
unless the bureau is a party to the action or proceeding; but the 46013
information contained in the statement may be tabulated and 46014
published by the bureau in statistical form for the use and 46015
information of other state departments and the public. No person 46016
in the employ of the bureau, except those who are authorized by 46017
the administrator of workers' compensation, shall divulge any 46018
information secured by the person while in the employ of the 46019
bureau in respect to the transactions, property, claim files, 46020
records, or papers of the bureau or in respect to the business or 46021
mechanical, chemical, or other industrial process of any company, 46022
firm, corporation, person, association, partnership, or public 46023
utility to any person other than the administrator or to the 46024
superior of such employee of the bureau. 46025

Notwithstanding the restrictions imposed by this section, the 46026
governor, select or standing committees of the general assembly, 46027
the auditor of state, the attorney general, or their designees, 46028
pursuant to the authority granted in this chapter and Chapter 46029
4121. of the Revised Code, may examine any records, claim files, 46030
or papers in possession of the industrial commission or the 46031
bureau. They also are bound by the privilege that attaches to 46032
these papers. 46033

The administrator shall report to the director of job and 46034
family services or to the county director of job and family 46035
services the name, address, and social security number or other 46036
identification number of any person receiving workers' 46037
compensation whose name or social security number or other 46038
identification number is the same as that of a person required by 46039

a court or child support enforcement agency to provide support 46040
payments to a recipient or participant of public assistance, and 46041
whose name is submitted to the administrator by the director under 46042
section 5101.36 of the Revised Code. The administrator also shall 46043
inform the director of the amount of workers' compensation paid to 46044
the person during such period as the director specifies. 46045

Within fourteen days after receiving from the director of job 46046
and family services a list of the names and social security 46047
numbers of recipients or participants of public assistance 46048
pursuant to section 5101.181 of the Revised Code, the 46049
administrator shall inform the auditor of state of the name, 46050
current or most recent address, and social security number of each 46051
person receiving workers' compensation pursuant to this chapter 46052
whose name and social security number are the same as that of a 46053
person whose name or social security number was submitted by the 46054
director. The administrator also shall inform the auditor of state 46055
of the amount of workers' compensation paid to the person during 46056
such period as the director specifies. 46057

The bureau and its employees, except for purposes of 46058
furnishing the auditor of state with information required by this 46059
section, shall preserve the confidentiality of recipients or 46060
participants of public assistance in compliance with division (A) 46061
of section 5101.181 of the Revised Code. 46062

For the purposes of this section, "public assistance" means 46063
medical assistance provided through the medical assistance program 46064
established under section 5111.01 of the Revised Code, Ohio works 46065
first provided under Chapter 5107. of the Revised Code, 46066
prevention, retention, and contingency benefits and services 46067
provided under Chapter 5108. of the Revised Code, ~~or~~ disability 46068
financial assistance provided under Chapter 5115. of the Revised 46069
Code, or disability medical assistance provided under Chapter 46070
5115. of the Revised Code. 46071

Sec. 4123.41. (A) By the first day of January of each year, 46072
the bureau of workers' compensation shall furnish to the county 46073
auditor of each county and the chief fiscal officer of each taxing 46074
district in a county and of each district activity and institution 46075
mentioned in section 4123.39 of the Revised Code forms containing 46076
the premium rates applicable to the county, district, district 46077
activity, or institution as an employer, on which to report the 46078
amount of money expended by the county, district, district 46079
activity, or institution during the previous twelve calendar 46080
months for the services of employees under this chapter. 46081

(B) Each county auditor and each fiscal officer of a 46082
district, district activity, and institution shall calculate on 46083
the form it receives from the bureau under division (A) of this 46084
section the premium due as its proper contribution to the public 46085
insurance fund and issue ~~his~~ a warrant in favor of the bureau for 46086
the amount due from the county, district, district activity, or 46087
institution to the public insurance fund according to the 46088
following schedule: 46089

(1) On or before the fifteenth day of May of each year, no 46090
less than forty-five per cent of the amount due; 46091

(2) On or before the first day of September of each year, no 46092
less than the total amount due. 46093

The legislative body of any county, district, district 46094
activity, or institution may reimburse the fund from which the 46095
contribution is made by transferring to the fund from any other 46096
fund of the county, district, district activity, or institution, 46097
the proportionate amount of the contribution that should be 46098
chargeable to the fund, whether the fund is derived from taxation 46099
or otherwise. The proportionate amount of the contribution 46100
chargeable to the fund may be based on payroll, relative exposure, 46101
relative loss experience, or any combination of these factors, as 46102

determined by the legislative body. Within sixty days before a 46103
legislative body changes the method used for calculating the 46104
proportionate amount of the contribution chargeable to the fund, 46105
it shall notify, consult with, and give information supporting the 46106
change to any elected official affected by the change. A transfer 46107
made pursuant to division (B)(2) of this section is not subject to 46108
section 5705.16 of the Revised Code. 46109

(C) The bureau may investigate the correctness of the 46110
information provided by the county auditor and chief fiscal 46111
officer under division (B) of this section, and if the bureau 46112
determines at any time that the county, district, district 46113
activity, or institution has not reported the correct information, 46114
the administrator of workers' compensation may make deductions or 46115
additions as the facts warrant and take those facts into 46116
consideration in determining the current or future contributions 46117
to be made by the county, district, district activity, or 46118
institution. If the county, district, district activity, or 46119
institution does not furnish the report in the time required by 46120
this section, the administrator may fix the amount of contribution 46121
the county, district, district activity, or institution must make 46122
and certify that amount for payment. 46123

(D) The administrator shall provide a discount to any county, 46124
district, district activity, or institution that pays its total 46125
amount due to the public insurance fund on or before the fifteenth 46126
day of May of each year as its proper contribution for premiums. 46127
The administrator shall base the discount provided under this 46128
division on the savings generated by the early payment to the 46129
public insurance fund. The administrator may provide the discount 46130
through a refund to the county, district, district activity, or 46131
institution or an offset against the future contributions due to 46132
the public insurance fund from the county, district, district 46133
activity, or institution. 46134

(E) The administrator may impose an interest penalty for late payment of any amount due from a county, district, district activity, and institution at the interest rate established by the state tax commissioner pursuant to section 5703.47 of the Revised Code.

Sec. 4141.04. The director of job and family services shall maintain or ensure the existence of public employment offices that are free to the general public. These offices shall exist in such number and in such places as are necessary for the proper administration of this chapter, to perform such duties as are within the purview of the act of congress entitled "an act to provide for the establishment of a national employment system and for cooperation with the states in the promotion of such system, and for other purposes," approved June 6, 1933, as amended, which is known as the "Wagner-Peyser Act." The director shall cooperate with any official or agency of the United States having powers or duties under that act of congress and shall do and perform all things necessary to secure to this state the benefits of that act of congress in the promotion and maintenance of a system of public employment offices. That act of congress is hereby accepted by this state, in conformity with that act of congress and Title III of the "Social Security Act," and the "Federal Unemployment Tax Act," 26 U.S.C.A. 3301, as amended, and this state will observe and comply with the requirements thereof. The department of job and family services is hereby designated and constituted the agency of this state for the purposes of that act of congress.

The director may cooperate with or enter into agreements with the railroad retirement board with respect to the establishment, maintenance, and use of employment service facilities that are free to the general public.

All moneys received by this state under the act of congress

known as the Wagner-Peyser Act shall be ~~paid~~ deposited into the 46166
state treasury to the credit of the special employment service 46167
account in the ~~unemployment compensation administration~~ federal 46168
operating fund, which is hereby created. Those moneys are hereby 46169
made available to the director to be expended as provided by this 46170
section and by that act of congress. For the purpose of 46171
establishing and maintaining public employment offices that are 46172
free to the general public, the director may enter into agreements 46173
with the railroad retirement board or any other agency of the 46174
United States charged with the administration of an unemployment 46175
compensation law, with any political subdivision of this state, or 46176
with any private, nonprofit organization and as a part of any such 46177
agreement the director may accept moneys, services, or quarters as 46178
a contribution to the employment service account. 46179

The director shall maintain labor market information and 46180
employment statistics as necessary for the administration of this 46181
chapter. 46182

The director shall appoint an employee of the department to 46183
serve as an ex officio member of the governor's council to 46184
maintain a liaison between the department and the governor's 46185
council on people with disabilities. 46186

Sec. 4141.09. (A) There is hereby created an unemployment 46187
compensation fund to be administered by the state without 46188
liability on the part of the state beyond the amounts paid into 46189
the fund and earned by the fund. The unemployment compensation 46190
fund shall consist of all contributions, payments in lieu of 46191
contributions described in sections 4141.241 and 4141.242 of the 46192
Revised Code, reimbursements of the federal share of extended 46193
benefits described in section 4141.301 of the Revised Code, 46194
collected under sections 4141.01 to 4141.46 of the Revised Code, 46195
together with all interest earned upon any moneys deposited with 46196

the secretary of the treasury of the United States to the credit 46197
of the account of this state in the unemployment trust fund 46198
established and maintained pursuant to section 904 of the "Social 46199
Security Act," any property or securities acquired through the use 46200
of moneys belonging to the fund, and all earnings of such property 46201
or securities. The unemployment compensation fund shall be used to 46202
pay benefits and refunds as provided by such sections and for no 46203
other purpose. 46204

(B) The treasurer of state shall be the custodian of the 46205
unemployment compensation fund and shall administer such fund in 46206
accordance with the directions of the director of job and family 46207
services. All disbursements therefrom shall be paid by the 46208
treasurer of state on warrants drawn by the director. Such 46209
warrants may bear the facsimile signature of the director printed 46210
thereon and that of a deputy or other employee of the director 46211
charged with the duty of keeping the account of the unemployment 46212
compensation fund and with the preparation of warrants for the 46213
payment of benefits to the persons entitled thereto. Moneys in the 46214
clearing and benefit accounts shall not be commingled with other 46215
state funds, except as provided in division (C) of this section, 46216
but shall be maintained in separate accounts on the books of the 46217
depository bank. Such money shall be secured by the depository 46218
bank to the same extent and in the same manner as required by 46219
sections 135.01 to 135.21 of the Revised Code; and collateral 46220
pledged for this purpose shall be kept separate and distinct from 46221
any collateral pledged to secure other funds of this state. All 46222
sums recovered for losses sustained by the unemployment 46223
compensation fund shall be deposited therein. The treasurer of 46224
state shall be liable on the treasurer's official bond for the 46225
faithful performance of the treasurer's duties in connection with 46226
the unemployment compensation fund, such liability to exist in 46227
addition to any liability upon any separate bond. 46228

(C) The treasurer of state shall maintain within the 46229
unemployment compensation fund three separate accounts which shall 46230
be a clearing account, an unemployment trust fund account, and a 46231
benefit account. All moneys payable to the unemployment 46232
compensation fund, upon receipt thereof by the director, shall be 46233
forwarded to the treasurer of state, who shall immediately deposit 46234
them in the clearing account. Refunds of contributions, or 46235
payments in lieu of contributions, payable pursuant to division 46236
(E) of this section may be paid from the clearing account upon 46237
warrants signed by a deputy or other employee of the director 46238
charged with the duty of keeping the record of the clearing 46239
account and with the preparation of warrants for the payment of 46240
refunds to persons entitled thereto. After clearance thereof, all 46241
moneys in the clearing account shall be deposited with the 46242
secretary of the treasury of the United States to the credit of 46243
the account of this state in the unemployment trust fund 46244
established and maintained pursuant to section 904 of the "Social 46245
Security Act," in accordance with requirements of the "Federal 46246
Unemployment Tax Act," 53 Stat. 183 (1939), 26 U.S.C.A. 3301, 46247
3304(a)(3), any law in this state relating to the deposit, 46248
administration, release, or disbursement of moneys in the 46249
possession or custody of this state to the contrary 46250
notwithstanding. The benefit account shall consist of all moneys 46251
requisitioned from this state's account in the unemployment trust 46252
fund. Federal funds, other than funds received by the director 46253
under divisions (I) and (J) of this section, received for payment 46254
of federal benefits may be deposited into the benefit account 46255
solely for payment of benefits under a federal program 46256
administered by this state. Moneys so requisitioned shall be used 46257
solely for the payment of benefits and for no other purpose. 46258
Moneys in the clearing and benefit accounts may be deposited by 46259
the treasurer of state, under the direction of the director, in 46260
any bank or public depository in which general funds of the state 46261

may be deposited, but no public deposit insurance charge or 46262
premium shall be paid out of the fund. 46263

(D) Moneys shall be requisitioned from this state's account 46264
in the unemployment trust fund solely for the payment of benefits 46265
and in accordance with regulations prescribed by the director. The 46266
director shall requisition from the unemployment trust fund such 46267
amounts, not exceeding the amount standing to this state's account 46268
therein, as are deemed necessary for the payment of benefits for a 46269
reasonable future period. Upon receipt thereof, the treasurer of 46270
state shall deposit such moneys in the benefit account. 46271
Expenditures of such money in the benefit account and refunds from 46272
the clearing account shall not require specific appropriations or 46273
other formal release by state officers of money in their custody. 46274
Any balance of moneys requisitioned from the unemployment trust 46275
fund which remains unclaimed or unpaid in the benefit account 46276
after the expiration of the period for which such sums were 46277
requisitioned shall either be deducted from estimates for and may 46278
be utilized for the payment of benefits during succeeding periods, 46279
or, in the discretion of the director, shall be redeposited with 46280
the secretary of the treasury of the United States to the credit 46281
of this state's account in the unemployment trust fund, as 46282
provided in division (C) of this section. Unclaimed or unpaid 46283
federal funds redeposited with the secretary of the treasury of 46284
the United States shall be credited to the appropriate federal 46285
account. 46286

(E) No claim for an adjustment or a refund on contribution, 46287
payment in lieu of contributions, interest, or forfeiture alleged 46288
to have been erroneously or illegally assessed or collected, or 46289
alleged to have been collected without authority, and no claim for 46290
an adjustment or a refund of any sum alleged to have been 46291
excessive or in any manner wrongfully collected shall be allowed 46292
unless an application, in writing, therefor is made within four 46293

years from the date on which such payment was made. If the 46294
director ~~determines~~ determines that such contribution, payment in 46295
lieu of contributions, ~~interest~~ interest, or forfeiture, or any 46296
portion ~~thereof~~ thereof, was erroneously collected, the director 46297
shall allow such employer to make an adjustment thereof without 46298
interest in connection with subsequent contribution payments, or 46299
payments in lieu of contributions, by the employer, or the 46300
director may refund said amount, without interest, from the 46301
clearing account of the unemployment compensation fund, except as 46302
provided in division (B) of section 4141.11 of the Revised Code. 46303
For like cause and within the same period, adjustment or refund 46304
may be so made on the director's own initiative. An overpayment of 46305
contribution, payment in lieu of contributions, interest, or 46306
forfeiture for which an employer has not made application for 46307
refund prior to the date of sale of the employer's business shall 46308
accrue to the employer's successor in interest. 46309

An application for an adjustment or a refund, or any portion 46310
thereof, that is rejected is binding upon the employer unless, 46311
within thirty days after the mailing of a written notice of 46312
rejection to the employer's last known address, or, in the absence 46313
of mailing of such notice, within thirty days after the delivery 46314
of such notice, the employer files an application for a review and 46315
redetermination setting forth the reasons therefor. The director 46316
shall promptly examine the application for review and 46317
redetermination, and if a review is granted, the employer shall be 46318
promptly notified thereof, and shall be granted an opportunity for 46319
a prompt hearing. 46320

(F) If the director finds that contributions have been paid 46321
to the director in error, and that such contributions should have 46322
been paid to a department of another state or of the United States 46323
charged with the administration of an unemployment compensation 46324
law, the director may upon request by such department or upon the 46325

director's own initiative transfer to such department the amount 46326
of such contributions, less any benefits paid to claimants whose 46327
wages were the basis for such contributions. The director may 46328
request and receive from such department any contributions or 46329
adjusted contributions paid in error to such department which 46330
should have been paid to the director. 46331

(G) In accordance with section 303(c)(3) of the Social 46332
Security Act, and section 3304(a)(17) of the Internal Revenue Code 46333
of 1954 for continuing certification of Ohio unemployment 46334
compensation laws for administrative grants and for tax credits, 46335
any interest required to be paid on advances under Title XII of 46336
the Social Security Act shall be paid in a timely manner and shall 46337
not be paid, directly or indirectly, by an equivalent reduction in 46338
the Ohio unemployment taxes or otherwise, by the state from 46339
amounts in the unemployment compensation fund. 46340

(H) The treasurer of state, under the direction of the 46341
director and in accordance with the "Cash Management Improvement 46342
Act of 1990," 104 Stat. 1061, 31 U.S.C.A. 335, 6503, shall deposit 46343
amounts of interest earned by the state on funds in the benefit 46344
account established pursuant to division (C) of this section into 46345
the department of job and family services banking fees fund, which 46346
is hereby created in the state treasury for the purpose of paying 46347
related banking costs incurred by the state for the period for 46348
which the interest is calculated, except that if the deposited 46349
interest exceeds the banking costs incurred by the state for the 46350
period for which the interest is calculated, the treasurer of 46351
state shall deposit the excess interest into the unemployment 46352
trust fund. 46353

(I) The treasurer of state, under the direction of the 46354
director, shall deposit federal funds received by the director for 46355
the payment of benefits, job search, relocation, transportation, 46356
and subsistence allowances pursuant to the "Trade Act of 1974," 88 46357

Stat. 1978, 19 U.S.C.A. 2101, as amended; ~~the "North American~~ 46358
~~Free Trade Implementation Act of 1993," 107 Stat. 2057, 19~~ 46359
~~U.S.C.A. 3301, as amended; and the "Trade Act of 2002," 116 Stat.~~ 46360
~~993, 19 U.S.C.A. 3801, as amended,~~ into the Trade Act benefit 46361
account, which is hereby created for the purpose of ~~paying for~~ 46362
~~benefits, training, and support services~~ making payments specified 46363
under ~~that act~~ those acts. 46364

(J) The treasurer of state, under the direction of the 46365
director, shall deposit federal funds received by the director for 46366
training and administration pursuant to the "Trade Act of 1974," 46367
88 Stat. 1978, 19 U.S.C.A. 2101, as amended; the "North American 46368
Free Trade Agreement Implementation Act," 107 Stat. 2057 (1993), 46369
19 U.S.C.A. 3301, as amended; and the "Trade Act of 2002," 116 46370
Stat. 993, 19 U.S.C.A. 3801, as amended, into the ~~North American~~ 46371
~~Free Trade Act~~ training and administration account, which is 46372
hereby created for the purpose of ~~paying for benefits, training,~~ 46373
~~and support services~~ making payments specified under ~~that act~~ 46374
those acts. 46375

Sec. 4141.23. (A) Contributions shall accrue and become 46376
payable by each employer for each calendar year or other period as 46377
prescribed by this chapter. Such contributions become due and 46378
shall be paid by each employer to the director of job and family 46379
services for the unemployment compensation fund in accordance with 46380
such regulations as the director prescribes, and shall not be 46381
deducted, in whole or in part, from the remuneration of 46382
individuals in the employer's employ. 46383

In the payment of any contributions, a fractional part of a 46384
dollar may be disregarded unless it amounts to fifty cents or 46385
more, in which case it may be increased to the next higher dollar. 46386

(B)(1) Any contribution or payment in lieu of contribution, 46387
due from an employer on or before December 31, 1992, shall, if not 46388

paid when due, bear interest at the rate of ten per cent per 46389
annum. In such computation any fraction of a month shall be 46390
considered as a full month. 46391

(2) Any contribution, payment in lieu of contribution, 46392
interest, forfeiture, or fine due from an employer on or after 46393
January 1, 1993, shall, if not paid when due, bear interest at the 46394
annual rate of fourteen per cent compounded monthly on the 46395
aggregate receivable balance due. In such computation any fraction 46396
of a month shall be considered as a full month. 46397

(C) The director may waive the interest assessed under 46398
division (B)(2) of this section if the employer meets all of the 46399
following conditions within thirty days after the date the 46400
director mails or delivers the notice of assessment of interest: 46401

(1) Provides to the director a written request for a waiver 46402
of interest clearly demonstrating that the employer's failure to 46403
timely pay contributions, payments in lieu of contributions, 46404
interest, forfeiture, and fines was a result of circumstances 46405
beyond the control of the employer or the employer's agent, except 46406
that negligence on the part of the employer or the employer's 46407
agent shall not be considered beyond the control of the employer 46408
or the employer's agent; 46409

(2) Furnishes to the director all quarterly reports required 46410
under section 4141.20 of the Revised Code; 46411

(3) Pays in full all contributions, payments in lieu of 46412
contributions, interest, forfeiture, and fines for each quarter 46413
for which such payments are due. 46414

The director shall deny an employer's request for a waiver of 46415
interest after finding that the employer's failure to timely 46416
furnish reports or make payments as required under this chapter 46417
was due to an attempt to evade payment. 46418

(D) Any contribution, interest, forfeiture, or fine required 46419

to be paid under this chapter by any employer shall, if not paid 46420
when due, become a lien upon the real and personal property of 46421
such employer. Upon failure of such employer to pay the 46422
contributions, interest, forfeiture, or fine required to be paid 46423
under this chapter, the director shall file notice of such lien, 46424
for which there shall be no charge, in the office of the county 46425
recorder of the county in which it is ascertained that such 46426
employer owns real estate or personal property. The director shall 46427
notify the employer by mail of the lien. The absence of proof that 46428
the notice was sent does not affect the validity of the lien. Such 46429
lien shall not be valid as against the claim of any mortgagee, 46430
pledgee, purchaser, judgment creditor, or other lienholder of 46431
record at the time such notice is filed. 46432

If the employer acquires real or personal property after 46433
notice of lien is filed, such lien shall not be valid as against 46434
the claim of any mortgagee, pledgee, subsequent bona fide 46435
purchaser for value, judgment creditor, or other lienholder of 46436
record to such after-acquired property, unless the notice of lien 46437
is refiled after such property was acquired by the employer and 46438
before the competing lien attached to such after-acquired property 46439
or before the conveyance to such subsequent bona fide purchaser 46440
for value. 46441

Such notice shall be recorded in a book kept by the recorder 46442
called the "unemployment compensation lien record" and indexed 46443
therein in an alphabetical index under the name of such employer. 46444
When such unpaid contributions, interest, forfeiture, or fines 46445
have been paid, the employer may record with the recorder of the 46446
county in which such notice of lien has been filed and recorded, 46447
notice of such payment. For recording ~~such~~ the notice of payment 46448
the recorder shall charge and receive from the employer a base fee 46449
of two dollars for services and a housing trust fund fee of two 46450
dollars pursuant to section 317.36 of the Revised Code. 46451

(E) Notwithstanding other provisions in this section, the 46452
director may reduce, in whole or in part, the amount of interest, 46453
forfeiture, or fines required to be paid under this chapter if the 46454
director determines that the reduction is in the best interest of 46455
the unemployment compensation fund. 46456

(F) Assessment of contributions shall not be made after four 46457
years from the date on which such contributions became payable, 46458
and no action in court for the collection of contributions without 46459
assessment of such contributions shall be begun after the 46460
expiration of five years from the date such contributions became 46461
payable. In case of a false or fraudulent report or of a willful 46462
attempt in any manner to evade contributions, such contributions 46463
may be assessed or a proceeding in court for the collection of 46464
such contributions may be begun without assessment at any time. 46465
When the assessment of contributions has been made within such 46466
four-year period provided, action in court to collect such 46467
contributions may be begun within, but not later than, six years 46468
after such assessment. 46469

(G) In the event of a distribution of an employer's assets, 46470
pursuant to an order of any court under the law of this state, 46471
including any receivership, assignment for benefit of creditors, 46472
adjudicated insolvency, or similar proceedings, contributions, 46473
interest, forfeiture, or fine then or thereafter due have the same 46474
priority as provided by law for the payment of taxes due the state 46475
and shall be paid out of the trust fund in the same manner as 46476
provided for other claims for unpaid taxes due the state. 46477

(H) If the attorney general finds after investigation that 46478
any claim for delinquent contributions, interest, forfeitures, or 46479
fines owing to the director is uncollectible, in whole or in part, 46480
the attorney general shall recommend to the director the 46481
cancellation of such claim or any part thereof. The director may 46482
thereupon effect such cancellation. 46483

Sec. 4301.03. The liquor control commission may adopt and 46484
promulgate, repeal, rescind, and amend, in the manner required by 46485
this section, rules, standards, requirements, and orders necessary 46486
to carry out this chapter and Chapter 4303. of the Revised Code, 46487
but all rules of the board of liquor control ~~which~~ that were in 46488
effect immediately prior to April 17, 1963, shall remain in full 46489
force and effect as rules of the liquor control commission until 46490
and unless amended or repealed by the liquor control commission. 46491
The rules of the commission may include the following: 46492

(A) Rules with reference to applications for and the issuance 46493
of permits for the manufacture, distribution, transportation, and 46494
sale of beer and intoxicating liquor, and the sale of alcohol; and 46495
rules governing the procedure of the division of liquor control in 46496
the suspension, revocation, and cancellation of those permits; 46497

(B) Rules and orders providing in detail for the conduct of 46498
any retail business authorized under permits issued pursuant to 46499
this chapter and Chapter 4303. of the Revised Code, with a view to 46500
ensuring compliance with those chapters and laws relative to them, 46501
and the maintenance of public decency, sobriety, and good order in 46502
any place licensed under the permits. No rule or order shall 46503
prohibit the sale of lottery tickets issued pursuant to Chapter 46504
3770. of the Revised Code by any retail business authorized under 46505
permits issued pursuant to that chapter. 46506

No rule or order shall prohibit pari-mutuel wagering on 46507
simulcast horse races at a satellite facility that has been issued 46508
a D liquor permit under Chapter 4303. of the Revised Code. No rule 46509
or order shall prohibit a charitable organization that holds a D-4 46510
permit from selling or serving beer or intoxicating liquor under 46511
its permit in a portion of its premises merely because that 46512
portion of its premises is used at other times for the conduct of 46513
a ~~charitable~~ bingo game, as described in division (S) of section 46514

2915.01 of the Revised Code. However, such an organization shall 46515
not sell or serve beer or intoxicating liquor or permit beer or 46516
intoxicating liquor to be consumed or seen in the same location in 46517
its premises where a ~~charitable~~ bingo game, as described in 46518
division (S)(1) of section 2915.01 of the Revised Code, is being 46519
conducted while the game is being conducted. As used in this 46520
division, "charitable organization" has the same meaning as in 46521
division (H) of section 2915.01 of the Revised Code, ~~and~~ 46522
~~"charitable bingo game" has the same meaning as in division (R) of~~ 46523
~~that section.~~ No rule or order pertaining to visibility into the 46524
premises of a permit holder after the legal hours of sale shall be 46525
adopted or maintained by the commission. 46526

(C) Standards, not in conflict with those prescribed by any 46527
law of this state or the United States, to secure the use of 46528
proper ingredients and methods in the manufacture of beer, mixed 46529
beverages, and wine to be sold within this state; 46530

(D) Rules determining the nature, form, and capacity of all 46531
packages and bottles to be used for containing beer or 46532
intoxicating liquor, except for spirituous liquor to be kept or 46533
sold, governing the form of all seals and labels to be used on 46534
those packages and bottles, and requiring the label on every 46535
package, bottle, and container to state the ingredients in the 46536
contents and, except on beer, the terms of weight, volume, or 46537
proof spirits, and whether the same is beer, wine, alcohol, or any 46538
intoxicating liquor except for spirituous liquor; 46539

(E) Uniform rules governing all advertising with reference to 46540
the sale of beer and intoxicating liquor throughout the state and 46541
advertising upon and in the premises licensed for the sale of beer 46542
or intoxicating liquor; 46543

(F) Rules restricting and placing conditions upon the 46544
transfer of permits; 46545

(G) Rules and orders limiting the number of permits of any class within the state or within any political subdivision of the state; and, for that purpose, adopting reasonable classifications of persons or establishments to which any authorized class of permits may be issued within any political subdivision;

(H) Rules and orders with reference to sales of beer and intoxicating liquor on Sundays and holidays and with reference to the hours of the day during which and the persons to whom intoxicating liquor of any class may be sold, and rules with reference to the manner of sale;

(I) Rules requiring permit holders buying beer to pay and permit holders selling beer to collect minimum cash deposits for kegs, cases, bottles, or other returnable containers of the beer; requiring the repayment, or credit, of the minimum cash deposit charges upon the return of the empty containers; and requiring the posting of such form of indemnity or such other conditions with respect to the charging, collection, and repayment of minimum cash deposit charges for returnable containers of beer as are necessary to ensure the return of the empty containers or the repayment upon that return of the minimum cash deposits paid;

(J) Rules establishing the method by which alcohol products may be imported for sale by wholesale distributors and the method by which manufacturers and suppliers may sell alcohol products to wholesale distributors.

Every rule, standard, requirement, or order of the commission and every repeal, amendment, or rescission of them shall be posted for public inspection in the principal office of the commission and the principal office of the division of liquor control, and a certified copy of them shall be filed in the office of the secretary of state. An order applying only to persons named in it shall be served on the persons affected by personal delivery of a

certified copy, or by mailing a certified copy to each person 46577
affected by it or, in the case of a corporation, to any officer or 46578
agent of the corporation upon whom a service of summons may be 46579
served in a civil action. The posting and filing required by this 46580
section constitutes sufficient notice to all persons affected by 46581
such rule or order which is not required to be served. General 46582
rules of the commission promulgated pursuant to this section shall 46583
be published in the manner the commission determines. 46584

Sec. 4301.19. The division of liquor control shall sell 46585
spirituous liquor only, whether from a warehouse or from a state 46586
liquor store. All sales shall be in sealed containers and for 46587
resale as authorized by ~~Chapters 4301.~~ this chapter and Chapter 46588
4303. of the Revised Code or for consumption off the premises 46589
only. Except as otherwise provided in this section, sale of 46590
containers holding one-half pint or less of spirituous liquor by 46591
the division shall be made at retail only, and not for the purpose 46592
of resale by any purchaser, by special order placed with a state 46593
retail liquor store and subject to rules established by the 46594
superintendent of liquor control. The division ~~shall~~ may sell at 46595
wholesale spirituous liquor in fifty milliliter sealed containers 46596
to ~~hotels that sell spirituous liquor by means of a controlled~~ 46597
~~access alcohol and beverage cabinet in accordance with division~~ 46598
~~(B) of section 4301.21~~ any holder of a permit issued under Chapter 46599
4303. of the Revised Code, ~~but only for purposes of resale by the~~ 46600
~~hotel in sealed containers by means of a controlled access alcohol~~ 46601
~~and beverage cabinet~~ that authorizes the sale of spirituous liquor 46602
for consumption on the premises where sold. A person appointed by 46603
the division to act as an agent for the sale of spirituous liquor 46604
pursuant to section 4301.17 of the Revised Code may provide and 46605
accept gift certificates and may accept credit cards and debit 46606
cards for the retail purchase of spirituous liquor. Deliveries 46607
shall be made in ~~such~~ the manner ~~as~~ the superintendent determines 46608

by rule. 46609

If any ~~persons desire~~ person desires to purchase any variety 46610
or brand of spirituous liquor which is not in stock at the state 46611
liquor store where the ~~same variety or brand~~ is ordered, the 46612
division shall immediately procure the ~~same variety or brand~~ after 46613
a reasonable deposit is made by the purchaser in such proportion 46614
of the approximate cost of the order as is prescribed by the rules 46615
of the superintendent. The purchaser shall be immediately notified 46616
upon the arrival of the spirituous liquor at the store at which it 46617
was ordered. Unless ~~such~~ the purchaser pays for the ~~same variety~~ 46618
or brand and accepts delivery within five days after the giving of 46619
~~such~~ the notice, the division may place ~~such~~ the spirituous liquor 46620
in stock for general sale, and the deposit of the purchaser shall 46621
be forfeited. 46622

Sec. 4301.30. All fees collected by the division of liquor 46623
control shall be deposited in the state treasury to the credit of 46624
the undivided liquor permit fund, which is hereby created, at the 46625
time prescribed under section 4301.12 of the Revised Code. Each 46626
payment shall be accompanied by a statement showing separately the 46627
amount collected for each class of permits in each municipal 46628
corporation and in each township outside the limits of any 46629
municipal corporation in such township. An amount equal to ~~fifty~~ 46630
~~dollars for each fee received for a D-2 permit, which is not~~ 46631
~~placed in operation immediately upon a D-3 permit premises, and~~ 46632
~~twenty-five dollars for each fee received for a C-2 permit,~~ 46633
forty-five per cent of the fund shall be paid from the ~~undivided~~ 46634
~~liquor permit~~ fund into the general revenue fund. 46635

~~Prior to the fees received for a D-2 permit, which is not in~~ 46636
~~operation immediately upon a D-3 permit premises, and a C-2 permit~~ 46637
~~being paid into the general revenue fund, an amount equal to~~ 46638
~~twenty-one~~ Twenty per cent of the undivided liquor permit fund 46639

shall be paid into the statewide treatment and prevention fund, 46640
which is hereby created in the state treasury. This amount shall 46641
be appropriated by the general assembly, together with an amount 46642
equal to one and one-half per cent of the gross profit of the 46643
~~department~~ division of liquor control derived under division 46644
(B)(4) of section 4301.10 of the Revised Code, to the department 46645
of alcohol and drug addiction services. In planning for the 46646
allocation of and in allocating these amounts for the purposes of 46647
Chapter 3793. of the Revised Code, the department of alcohol and 46648
drug addiction services shall comply with the nondiscrimination 46649
provisions of Title VI of the Civil Rights Act of 1964, and any 46650
rules adopted ~~thereunder~~ under that act. 46651

~~The moneys remaining in~~ Thirty-five per cent of the undivided 46652
liquor permit fund shall be distributed by the superintendent of 46653
liquor control at quarterly calendar periods as follows: 46654

(A) To each municipal corporation, the aggregate amount shown 46655
by the statements to have been collected from permits ~~therein in~~ in 46656
the municipal corporation, for the use of the general fund of the 46657
municipal corporation; 46658

(B) To each township, the aggregate amount shown by the 46659
statements to have been collected from permits in its territory, 46660
outside the limits of any municipal corporation located ~~therein in~~ in 46661
the township, for the use of the general fund of the township, or 46662
for fire protection purposes, including buildings and equipment in 46663
the township or in an established fire district within the 46664
township, to the extent that the funds are derived from liquor 46665
permits within the territory comprising such fire district. 46666

For the purpose of the distribution required by this section, 46667
E, H, and D permits covering boats or vessels are deemed to have 46668
been issued in the municipal corporation or township wherein the 46669
owner or operator of the vehicle, boat, vessel, or dining car 46670
equipment to which the permit relates has the owner's or 46671

operator's principal office or place of business within the state. 46672

Such distributions are subject to diminutions for refunds as 46673
prescribed in section 4301.41 of the Revised Code. If the liquor 46674
control commission is of the opinion that the police or other 46675
officers of any municipal corporation or township entitled to 46676
share in such a distribution are refusing or culpably neglecting 46677
to enforce this chapter and Chapter 4303. of the Revised Code, or 46678
the penal laws of this state relating to the manufacture, 46679
importation, transportation, distribution, and sale of beer and 46680
intoxicating liquors, or if the prosecuting officer of a municipal 46681
corporation or ~~the~~ a municipal court ~~thereof~~ fails to comply with 46682
the request of the commission authorized by division (A)(4) of 46683
section 4301.10 of the Revised Code, the commission by certified 46684
mail may notify the chief executive officer of the municipal 46685
corporation or the board of township trustees of the township of 46686
~~such~~ the failure and require the immediate cooperation of the 46687
responsible officers of the municipal corporation or township with 46688
the division of liquor control in the enforcement of ~~such~~ those 46689
chapters and ~~such~~ penal laws. Within thirty days after the notice 46690
is served, the commission shall determine whether ~~or not~~ the 46691
requirement has been complied with. If the commission determines 46692
that the requirement has not been complied with, it may issue an 46693
order to the superintendent to withhold the distributive share of 46694
the municipal corporation or township until further order of the 46695
commission. This action of the commission is reviewable within 46696
thirty days thereafter in the court of common pleas of Franklin 46697
county. 46698

Sec. 4301.361. (A) If a majority of the electors voting on 46699
questions set forth in section 4301.351 of the Revised Code in a 46700
precinct vote "yes" on question (B)(1) or (C)(1), or, if both 46701
questions (B)(1) and (B)(2), or questions (C)(1) and (C)(2), are 46702
submitted, "yes" on both questions or "yes" on question (B)(1) or 46703

(C)(1) but "no" on question (B)(2) or (C)(2), sales of 46704
intoxicating liquor shall be allowed in the manner and under the 46705
conditions specified in question (B)(1) or (C)(1), under a D-6 46706
permit, within the precinct concerned, during the period the 46707
election is in effect as defined in section 4301.37 of the Revised 46708
Code. 46709

(B) If only question (B)(2) or (C)(2) is submitted to the 46710
voters or if questions (B)(2) and (B)(3) or (C)(2) and (C)(3) are 46711
submitted and a majority of the electors voting in a precinct vote 46712
"yes" on question (B)(2) or (C)(2) as set forth in section 46713
4301.351 of the Revised Code, sales of intoxicating liquor shall 46714
be allowed in the manner and under the conditions specified in 46715
question (B)(2) or (C)(2), under a D-6 permit, within the precinct 46716
concerned, during the period the election is in effect as defined 46717
in section 4301.37 of the Revised Code, even if question (B)(1) or 46718
(C)(1) was also submitted and a majority of the electors voting in 46719
the precinct voted "no." 46720

(C) If question (B)(3) or (C)(3) is submitted and a majority 46721
of electors voting on question (B)(3) or (C)(3) as set forth in 46722
section 4301.351 of the Revised Code in a precinct vote "yes," 46723
sales of wine and mixed beverages shall be allowed in the manner 46724
and under the conditions specified in question (B)(3) or (C)(3), 46725
under a D-6 permit, within the precinct concerned, during the 46726
period the election is in effect as defined in section 4301.37 of 46727
the Revised Code. 46728

(D) If questions (B)(1), (B)(2), and (B)(3), or questions 46729
(C)(1), (C)(2), and (C)(3), as set forth in section 4301.351 of 46730
the Revised Code, are all submitted and a majority of the electors 46731
voting in such precinct vote "no" on all three questions, no sales 46732
of intoxicating liquor shall be made within the precinct concerned 46733
after two-thirty a.m. on Sunday as specified in the questions 46734
submitted, during the period the election is in effect as defined 46735

in section 4301.37 of the Revised Code. 46736

(E) If question (C)(1) as set forth in section 4301.351 of 46737
the Revised Code is submitted to the voters in a precinct in which 46738
question (B)(1) as set forth in that section previously was 46739
submitted and approved, and the results of the election on 46740
question (B)(1) are still in effect in the precinct; or if 46741
question (C)(2) as set forth in that section is submitted to the 46742
voters in a precinct in which question (B)(2) as set forth in that 46743
section previously was submitted and approved, and the results of 46744
the election on question (B)(2) are still in effect in the 46745
precinct; or if question (C)(3) as set forth in that section is 46746
submitted to the voters in a precinct in which question (B)(3) as 46747
set forth in that section previously was submitted and approved, 46748
and the results of the election on question (B)(3) are still in 46749
effect in the precinct; and if a majority of the electors voting 46750
on question (C)(1), (C)(2), or (C)(3) vote "no," then sales shall 46751
continue to be allowed in the precinct in the manner and under the 46752
conditions specified in the previously approved question (B)(1), 46753
(B)(2), or (B)(3), as applicable. 46754

(F) If question (B)(4) as set forth in section 4301.351 of 46755
the Revised Code is submitted and a majority of the electors 46756
voting in the precinct vote "yes," sales of intoxicating liquor 46757
shall be allowed at outdoor performing arts centers in the manner 46758
and under the conditions specified in question (B)(4) under a D-6 46759
permit, within the precinct concerned, during the period the 46760
election is in effect as defined in section 4301.37 of the Revised 46761
Code. If question (B)(4) as set forth in section 4301.351 of the 46762
Revised Code is submitted and a majority of the electors voting in 46763
the precinct vote "no," no sales of intoxicating liquor shall be 46764
allowed at outdoor performing arts centers in the precinct 46765
concerned under a D-6 permit, after 2:30 a.m. on Sunday, during 46766
the period the election is in effect as defined in section 4301.37 46767

of the Revised Code. 46768

Sec. 4301.364. (A) If a majority of the electors in a 46769
precinct vote "yes" on question (B)(1) or (C)(1) as set forth in 46770
section 4301.354 of the Revised Code, the sale of intoxicating 46771
liquor, of the same types as may be legally sold in the precinct 46772
on other days of the week, shall be permitted in the portion of 46773
the precinct affected by the results of the election in the manner 46774
and under the conditions specified in the question, subject only 46775
to ~~Chapters 4301.~~ this chapter and Chapter 4303. of the Revised 46776
Code. 46777

(B) If a majority of the electors in a precinct vote "yes" on 46778
question (B)(2) or (C)(2) as set forth in section 4301.354 of the 46779
Revised Code, the sale of intoxicating liquor, of the same types 46780
as may be legally sold in the precinct on other days of the week, 46781
shall be permitted in the portion of the precinct affected by the 46782
results of the election in the manner and under the conditions 46783
specified in the question, subject only to ~~Chapters 4301.~~ this 46784
chapter and Chapter 4303. of the Revised Code. 46785

(C) If a majority of the electors in a precinct vote "yes" on 46786
question (B)(3) or (C)(3) as set forth in section 4301.354 of the 46787
Revised Code, the sale of wine and mixed beverages shall be 46788
permitted in the portion of the precinct affected by the results 46789
of the election in the manner and under the conditions specified 46790
in the question, subject only to ~~Chapters 4301.~~ this chapter and 46791
Chapter 4303. of the Revised Code. 46792

(D) If a majority of the electors in a precinct vote "no" on 46793
question (B)(1) or (C)(1) as set forth in section 4301.354 of the 46794
Revised Code, no sale of intoxicating liquor shall be permitted in 46795
the manner and under the conditions specified in the question in 46796
the portion of the precinct affected by the results of the 46797
election. 46798

(E) If a majority of the electors in a precinct vote "no" on question (B)(2) or (C)(2) as set forth in section 4301.354 of the Revised Code, no sale of intoxicating liquor shall be permitted in the manner and under the conditions specified in the question in the portion of the precinct affected by the results of the election.

(F) If a majority of the electors in a precinct vote "no" on question (B)(3) or (C)(3) as set forth in section 4301.354 of the Revised Code, no sale of wine or mixed beverages shall be permitted in the manner and under the conditions specified in the question in the portion of the precinct affected by the results of the election.

(G) If question (C)(1) as set forth in section 4301.354 of the Revised Code is submitted to the voters in a precinct in which question (B)(1) as set forth in that section previously was submitted and approved, and the results of the election on question (B)(1) are still in effect in the precinct; or if question (C)(2) as set forth in that section is submitted to the voters in a precinct in which question (B)(2) as set forth in that section previously was submitted and approved, and the results of the election on question (B)(2) are still in effect in the precinct; or if question (C)(3) as set forth in that section is submitted to the voters in a precinct in which question (B)(3) as set forth in that section previously was submitted and approved, and the results of the election on question (B)(3) are still in effect in the precinct; and if a majority of the electors voting on question (C)(1), (C)(2), or (C)(3) vote "no," then sales shall continue to be allowed in the precinct in the manner and under the conditions specified in the previously approved question (B)(1), (B)(2), or (B)(3), as applicable.

Sec. 4301.43. (A) As used in sections 4301.43 to 4301.50 of

the Revised Code: 46830

(1) "Gallon" or "wine gallon" means one hundred twenty-eight 46831
fluid ounces. 46832

(2) "Sale" or "sell" includes exchange, barter, gift, 46833
distribution, and, except with respect to A-4 permit holders, 46834
offer for sale. 46835

(B) For the purposes of providing revenues for the support of 46836
the state and encouraging the grape industries in the state, a tax 46837
is hereby levied on the sale or distribution of wine in Ohio, 46838
except for known sacramental purposes, at the rate of thirty cents 46839
per wine gallon for wine containing not less than four per cent of 46840
alcohol by volume and not more than fourteen per cent of alcohol 46841
by volume, ninety-eight cents per wine gallon for wine containing 46842
more than fourteen per cent but not more than twenty-one per cent 46843
of alcohol by volume, one dollar and eight cents per wine gallon 46844
for vermouth, and one dollar and forty-eight cents per wine gallon 46845
for sparkling and carbonated wine and champagne, the tax to be 46846
paid by the holders of A-2 and B-5 permits or by any other person 46847
selling or distributing wine upon which no tax has been paid. From 46848
the tax paid under this section on wine, vermouth, and sparkling 46849
and carbonated wine and champagne, the treasurer of state shall 46850
credit to the Ohio grape industries fund created under section 46851
924.54 of the Revised Code a sum equal to one cent per gallon for 46852
each gallon upon which the tax is paid. 46853

(C) For the purpose of providing revenues for the support of 46854
the state, there is hereby levied a tax on prepared and bottled 46855
highballs, cocktails, cordials, and other mixed beverages at the 46856
rate of one dollar and twenty cents per wine gallon to be paid by 46857
holders of A-4 permits or by any other person selling or 46858
distributing those products upon which no tax has been paid. Only 46859
one sale of the same article shall be used in computing the amount 46860
of tax due. The tax on mixed beverages to be paid by holders of 46861

A-4 permits under this section shall not attach until the 46862
ownership of the mixed beverage is transferred for valuable 46863
consideration to a wholesaler or retailer, and no payment of the 46864
tax shall be required prior to that time. 46865

(D) During the period of July 1, ~~2001~~ 2003, through June 30, 46866
~~2003~~ 2005, from the tax paid under this section on wine, vermouth, 46867
and sparkling and carbonated wine and champagne, the treasurer of 46868
state shall credit to the Ohio grape industries fund created under 46869
section 924.54 of the Revised Code a sum equal to two cents per 46870
gallon upon which the tax is paid. The amount credited under this 46871
division is in addition to the amount credited to the Ohio grape 46872
industries fund under division (B) of this section. 46873

(E) For the purpose of providing revenues for the support of 46874
the state, there is hereby levied a tax on cider at the rate of 46875
twenty-four cents per wine gallon to be paid by the holders of A-2 46876
and B-5 permits or by any other person selling or distributing 46877
cider upon which no tax has been paid. Only one sale of the same 46878
article shall be used in computing the amount of the tax due. 46879

Sec. 4303.02. Permit A-1 may be issued to a manufacturer to 46880
manufacture beer and sell beer products in bottles or containers 46881
for home use and to retail and wholesale permit holders under 46882
rules promulgated by the division of liquor control. The fee for 46883
this permit is three thousand ~~one~~ nine hundred ~~twenty-five~~ six 46884
dollars for each plant during the year covered by the permit. 46885

Sec. 4303.021. Permit A-1-A may be issued to the holder of an 46886
A-1 or A-2 permit to sell beer and any intoxicating liquor at 46887
retail, only by the individual drink in glass or from a container, 46888
provided such A-1-A permit premises are situated on the same 46889
parcel or tract of land as the related A-1 or A-2 manufacturing 46890
permit premises or are separated therefrom only by public streets 46891

or highways or by other lands owned by the holder of the A-1 or 46892
A-2 permit and used by the holder in connection with or in 46893
promotion of the holder's A-1 or A-2 permit business. The fee for 46894
this permit is three thousand ~~one~~ nine hundred ~~twenty-five~~ six 46895
dollars. The holder of an A-1-A permit may sell beer and any 46896
intoxicating liquor during the same hours as the holders of D-5 46897
permits under this chapter or Chapter 4301. of the Revised Code or 46898
the rules of the liquor control commission and shall obtain a 46899
license as a retail food establishment or a food service operation 46900
pursuant to Chapter 3717. of the Revised Code and operate as a 46901
restaurant for purposes of this chapter. 46902

Except as otherwise provided in this section, no new A-1-A 46903
permit shall be issued to the holder of an A-1 or A-2 permit 46904
unless the sale of beer and intoxicating liquor under class D 46905
permits is permitted in the precinct in which the A-1 or A-2 46906
permit is located and, in the case of an A-2 permit, unless the 46907
holder of the A-2 permit manufactures or has a storage capacity of 46908
at least twenty-five thousand gallons of wine per year. The 46909
immediately preceding sentence does not prohibit the issuance of 46910
an A-1-A permit to an applicant for such a permit who is the 46911
holder of an A-1 permit and whose application was filed with the 46912
division of liquor control before June 1, 1994. The liquor control 46913
commission shall not restrict the number of A-1-A permits which 46914
may be located within a precinct. 46915

Sec. 4303.03. Permit A-2 may be issued to a manufacturer to 46916
manufacture wine from grapes or other fruits grown in the state, 46917
if obtainable, otherwise to import such fruits after submitting an 46918
affidavit of nonavailability to the division of liquor control; to 46919
import and purchase wine in bond for blending purposes, the total 46920
amount of wine so imported during the year covered by the permit 46921
not to exceed forty per cent of all the wine manufactured and 46922
imported; to manufacture, purchase, and import brandy for 46923

fortifying purposes; and to sell such products either in glass or 46924
container for consumption on the premises where manufactured, for 46925
home use, and to retail and wholesale permit holders under such 46926
rules as are adopted by the division. 46927

The fee for this permit is ~~sixty-three~~ one hundred twenty-six 46928
dollars for each plant producing one hundred wine barrels, of 46929
fifty gallons each, or less annually. ~~Such~~ This initial fee shall 46930
be increased at the rate of ten cents per such barrel for all wine 46931
manufactured in excess of one hundred barrels during the year 46932
covered by the permit. 46933

Sec. 4303.04. Permit A-3 may be issued to a manufacturer to 46934
manufacture alcohol and spirituous liquor and sell such products 46935
to the division of liquor control or to the holders of a like 46936
permit or to the holders of A-4 permits for blending or 46937
manufacturing purposes; to import alcohol into this state upon 46938
such terms as are prescribed by the division; to sell alcohol to 46939
manufacturers, hospitals, infirmaries, medical or educational 46940
institutions using it for medicinal, mechanical, chemical, or 46941
scientific purposes, and to holders of I permits; to import into 46942
this state spirituous liquor and wine for blending or other 46943
manufacturing purposes; and to export spirituous liquor from this 46944
state for sale outside the state. 46945

The fee for this permit is three thousand ~~one~~ nine hundred 46946
~~twenty-five~~ six dollars for each plant; but, if a plant's 46947
production capacity is less than five hundred wine barrels of 46948
fifty gallons each, annually, the fee is two dollars per barrel. 46949

Sec. 4303.05. Permit A-4 may be issued to a manufacturer to 46950
manufacture prepared highballs, cocktails, cordials, and other 46951
mixed drinks containing not less than four per cent of alcohol by 46952
volume and not more than twenty-one per cent of alcohol by volume, 46953

and to sell such products to wholesale and retail permit holders 46954
in sealed containers only under such rules as are adopted by the 46955
division of liquor control. The holder of such permit may import 46956
into the state spirituous liquor and wine only for blending or 46957
other manufacturing purposes under such rules as are prescribed by 46958
the division. 46959

The holder of such permit may also purchase spirituous liquor 46960
for manufacturing and blending purposes from the holder of an A-3 46961
permit issued by the division. The formulas and the beverages 46962
manufactured by the holder of an A-4 permit ~~must~~ shall be 46963
submitted to the division for its analysis and approval before 46964
~~such~~ the beverages may be sold to or distributed in this state by 46965
holders of retail and wholesale permits. All labels and 46966
advertising matter used by the holders of ~~such~~ A-4 permits ~~must~~ 46967
shall be approved by the division before they may be used in this 46968
state. The fee for ~~this~~ an A-4 permit is three thousand ~~one~~ nine 46969
hundred ~~twenty-five~~ six dollars for each plant. 46970

Sec. 4303.06. Permit B-1 may be issued to a wholesale 46971
distributor of beer to purchase from the holders of A-1 permits 46972
and to import and distribute or sell beer for home use and to 46973
retail permit holders under rules adopted by the division of 46974
liquor control. The fee for this permit is ~~two~~ three thousand ~~five~~ 46975
one hundred ~~twenty-five~~ dollars for each distributing plant or 46976
warehouse during the year covered by the permit. 46977

Sec. 4303.07. Permit B-2 may be issued to a wholesale 46978
distributor of wine to purchase from holders of A-2 and B-5 46979
permits and distribute or sell such product, in the original 46980
container in which it was placed by the B-5 permit holder or 46981
manufacturer at the place where manufactured, to A-1-A, C-2, D-2, 46982
D-3, D-4, D-4a, D-5, D-5a, D-5b, D-5c, D-5d, D-5e, D-5f, D-5g, 46983
D-5h, D-5i, D-5j, D-5k, and E permit holders, and for home use. 46984

The fee for this permit is ~~two~~ five hundred ~~fifty~~ dollars for each 46985
distributing plant or warehouse. The initial fee shall be 46986
increased ten cents per wine barrel of fifty gallons for all wine 46987
distributed and sold in this state in excess of twelve hundred 46988
fifty such barrels during the year covered by the permit. 46989

Sec. 4303.08. Permit B-3 may be issued to a wholesale 46990
distributor of wine to bottle, distribute, or sell sacramental 46991
wine for religious rites upon an application signed, dated, and 46992
approved as required by section 4301.23 of the Revised Code. The 46993
fee for this permit is ~~sixty-two~~ one hundred twenty-four dollars. 46994

Sec. 4303.09. Permit B-4 may be issued to a wholesale 46995
distributor to purchase from the holders of A-4 permits and to 46996
import, distribute, and sell prepared and bottled highballs, 46997
cocktails, cordials, and other mixed beverages containing not less 46998
than four per cent of alcohol by volume and not more than 46999
twenty-one per cent of alcohol by volume to retail permit holders, 47000
and for home use, under ~~such~~ rules ~~as are~~ adopted by the division 47001
of liquor control. The formula and samples of all such beverages 47002
to be handled by the permit holder ~~must~~ shall be submitted to the 47003
division for analysis and the approval of the division before such 47004
beverages may be sold and distributed in this state. All labels 47005
and advertising matter used by the holders of ~~such permits must~~ 47006
this permit shall be approved by the division before they may be 47007
used in this state. The fee for this permit shall be computed on 47008
the basis of annual sales, and the initial fee is ~~two~~ five hundred 47009
~~fifty~~ dollars for each distributing plant or warehouse. ~~Such~~ The 47010
initial fee shall be increased at the rate of ten cents per wine 47011
barrel of fifty gallons for all such beverages distributed and 47012
sold in this state in excess of one thousand such barrels during 47013
the year covered by the permit. 47014

Sec. 4303.10. Permit B-5 may be issued to a wholesale distributor of wine to purchase wine from the holders of A-2 permits, to purchase and import wine in bond or otherwise, in bulk or in containers of any size, and to bottle wine for distribution and sale to holders of A-1-A, B-2, B-3, B-5, C-2, D-2, D-3, D-4, D-4a, D-5, D-5a, D-5b, D-5c, D-5d, D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, D-5k, and E permits and for home use in sealed containers. No wine shall be bottled by a B-5 permit holder in containers supplied by any person who intends the wine for home use. The fee for this permit is one thousand ~~two~~ five hundred ~~fifty~~ sixty-three dollars.

Sec. 4303.11. Permit C-1 may be issued to the owner or operator of a retail store to sell beer in containers and not for consumption on the premises where sold in original containers having a capacity of not more than five and one-sixth gallons. The fee for this permit is ~~one~~ two hundred ~~twenty-six~~ fifty-two dollars for each location.

Sec. 4303.12. Permit C-2 may be issued to the owner or operator of a retail store to sell wine in sealed containers only and not for consumption on the premises where sold in original containers. The holder of ~~such~~ this permit may also sell and distribute in original packages and not for consumption on the premises where sold or for resale, prepared and bottled highballs, cocktails, cordials, and other mixed beverages manufactured and distributed by holders of A-4 and B-4 permits, and containing not less than four per cent of alcohol by volume, and not more than twenty-one per cent of alcohol by volume. The fee for this permit is ~~one~~ three hundred ~~eighty-eight~~ seventy-six dollars for each location.

Sec. 4303.121. Effective October 1, 1982, permit C-2x shall 47044
be issued to the holder of a C-2 permit who does not also hold a 47045
C-1 permit, to sell beer only not for consumption on the premises 47046
where sold, in original containers having a capacity of not more 47047
than five and one-sixth gallons. Applicants for a C-2 permit as of 47048
October 1, 1982 shall be issued a C-2x permit subject to the 47049
restrictions for the issuance of the C-2 permit. The fee for a 47050
C-2x permit is ~~one~~ two hundred ~~twenty six~~ fifty-two dollars. 47051

Sec. 4303.13. Permit D-1 may be issued to the owner or 47052
operator of a hotel ~~or~~ of a retail food establishment or a food 47053
service operation licensed pursuant to Chapter 3717. of the 47054
Revised Code that operates as a restaurant for purposes of this 47055
chapter, or of a club, amusement park, drugstore, lunch stand, 47056
boat, or vessel, ~~and shall be issued to a person described in~~ 47057
~~division (B) of this section,~~ to sell beer at retail either in 47058
glass or container, for consumption on the premises where sold; 47059
~~and, except as otherwise provided in division (B) of this section,~~ 47060
to sell beer at retail in other receptacles or in original 47061
containers having a capacity of not more than five and one-sixth 47062
gallons not for consumption on the premises where sold. The fee 47063
for this permit is ~~one~~ three hundred ~~eighty eight~~ seventy-six 47064
dollars for each location, boat, or vessel. 47065

Sec. 4303.14. Permit D-2 may be issued to the owner or 47066
operator of a hotel ~~or~~ of a retail food establishment or a food 47067
service operation licensed pursuant to Chapter 3717. of the 47068
Revised Code that operates as a restaurant for purposes of this 47069
chapter, or of a club, boat, or vessel, to sell wine and prepared 47070
and bottled cocktails, cordials, and other mixed beverages 47071
manufactured and distributed by holders of A-4 and B-4 permits at 47072
retail, either in glass or container, for consumption on the 47073

premises where sold. The holder of ~~such~~ this permit may also sell 47074
wine and prepared and bottled cocktails, cordials, and other mixed 47075
beverages in original packages and not for consumption on the 47076
premises where sold or for resale. The fee for this permit is ~~two~~ 47077
five hundred ~~eighty-two~~ sixty-four dollars for each location, 47078
boat, or vessel. 47079

Sec. 4303.141. Effective October 1, 1982, permit D-2x shall 47080
be issued to the holder of a D-2 permit who does not also hold a 47081
D-1 permit, to sell beer at retail either in glass or container 47082
for consumption on the premises where sold and to sell beer at 47083
retail in other receptacles or original containers having a 47084
capacity of not more than five and one-sixth gallons not for 47085
consumption on the premises where sold. Applicants for a D-2 47086
permit as of October 1, 1982, shall be issued a D-2x permit 47087
subject to the quota restrictions for the issuance of the D-2 47088
permit. The fee for a D-2x permit is ~~one~~ three hundred 47089
~~eighty-eight~~ seventy-six dollars. 47090

Sec. 4303.15. Permit D-3 may be issued to the owner or 47091
operator of a hotel ~~or~~ of a retail food establishment or a food 47092
service operation licensed pursuant to Chapter 3717. of the 47093
Revised Code that operates as a restaurant for purposes of this 47094
chapter, or of a club, boat, or vessel, to sell spirituous liquor 47095
at retail, only by the individual drink in glass or from the 47096
container, for consumption on the premises where sold. No sales of 47097
intoxicating liquor shall be made by a holder of a D-3 permit 47098
after one a.m. The fee for this permit is ~~six~~ seven hundred fifty 47099
dollars for each location, boat, or vessel. 47100

Sec. 4303.151. On October 1, 1982, permit D-3x shall be 47101
issued to the holder of a D-3 permit, to sell wine by the 47102
individual drink in glass or from the container, for consumption 47103

on the premises where sold. Applications for a D-3 permit on 47104
October 1, 1982, may be issued a D-3x permit subject to the quota 47105
restrictions for the issuance of a D-3 permit. The fee for a D-3x 47106
permit is ~~one~~ three hundred ~~fifty~~ dollars. 47107

Sec. 4303.16. Permit D-3a may be issued to the holder of a 47108
D-3 permit whenever ~~his~~ the holder's place of business is operated 47109
after one a.m. and spirituous liquor is sold or consumed after 47110
~~such~~ that hour. The holder of such permit may sell spirituous 47111
liquor during the same hours as the holders of D-5 permits under 47112
this chapter and Chapter 4301. of the Revised Code or the rules of 47113
the liquor control commission. The fee for a D-3a permit is ~~seven~~ 47114
nine hundred ~~fifty~~ thirty-eight dollars in addition to the fee 47115
required for a D-3 permit. 47116

If the holder of a D-3a permit is also the holder of a D-1 47117
permit, ~~he~~ the holder may sell beer after one a.m. and during the 47118
same hours as the holder of a D-5 permit. If the holder of a D-3a 47119
permit is also the holder of a D-2 permit, ~~he~~ the holder may sell 47120
intoxicating liquor after one a.m. and during the same hours as 47121
the holder of a D-5 permit. The holder of a D-3a permit may 47122
furnish music and entertainment to ~~his~~ the holder's patrons, 47123
subject to the same rules as govern D-5 permit holders. 47124

Sec. 4303.17. Permit D-4 may be issued to a club ~~which~~ that 47125
has been in existence for three years or more prior to the 47126
issuance of ~~such~~ the permit to sell beer and any intoxicating 47127
liquor to its members only, in glass or container, for consumption 47128
on the premises where sold. The fee for this permit is ~~three~~ four 47129
hundred ~~seventy-five~~ sixty-nine dollars. No such permit shall be 47130
granted or retained until all elected officers of such 47131
organization controlling such club have filed with the division of 47132
liquor control a statement certifying that such club is operated 47133
in the interest of the membership of a reputable organization, 47134

which is maintained by a dues paying membership, setting forth the 47135
amount of initiation fee and yearly dues. All such matters shall 47136
be contained in a statement signed under oath and accompanied by a 47137
surety bond in the sum of one thousand dollars. Such bond shall be 47138
declared forfeited in the full amount of the penal sum of the bond 47139
for any false statement contained in such certificate and the 47140
surety shall pay the amount of the bond to the division. The 47141
roster of membership of a D-4 permit holder shall be submitted 47142
under oath on the request of the superintendent of liquor control. 47143
Any information acquired by the superintendent or the division 47144
with respect to such membership shall not be open to public 47145
inspection or examination and may be divulged by the 47146
superintendent and the division only in hearings before the liquor 47147
control commission or in a court action in which the division or 47148
the superintendent is named a party. 47149

The requirement that a club shall have been in existence for 47150
three years in order to qualify for a D-4 permit does not apply to 47151
units of organizations chartered by congress or to a subsidiary 47152
unit of a national fraternal organization if the parent 47153
organization has been in existence for three years or more at the 47154
time application for a permit is made by such unit. 47155

No rule or order of the division or commission shall prohibit 47156
a charitable organization that holds a D-4 permit from selling or 47157
serving beer or intoxicating liquor under its permit in a portion 47158
of its premises merely because that portion of its premises is 47159
used at other times for the conduct of a ~~charitable~~ bingo game as 47160
described in division (S) of section 2915.01 of the Revised Code. 47161
However, such an organization shall not sell or serve beer or 47162
intoxicating liquor or permit beer or intoxicating liquor to be 47163
consumed or seen in the same location in its premises where a 47164
~~charitable~~ bingo game, as described in division (S)(1) of section 47165
2915.01 of the Revised Code, is being conducted while the game is 47166

being conducted. As used in this section, "charitable
organization" has the same meaning as in division (H) of section
2915.01 and ~~"charitable bingo game" has the same meaning as in
division (R) of section 2915.01~~ of the Revised Code.

Sec. 4303.171. Permit D-4a may be issued to an airline
company ~~which~~ that leases and operates a premises exclusively for
the benefit of the members and their guests of a private club
sponsored by the airline company, at a publicly owned airport, as
defined in section 4563.01 of the Revised Code, at which
commercial airline companies operate regularly scheduled flights
on which space is available to the public, to sell beer and any
intoxicating liquor to members of the private club and their
guests, only by the individual drink in glass and from the
container, for consumption on the premises where sold. In addition
to the privileges authorized in this section, the holder of a D-4a
permit may exercise the same privileges as a holder of a D-4
permit. The holder of a D-4a permit shall make no sales of beer or
intoxicating liquor after two-thirty a.m.

A D-4a permit shall not be transferred to another location.
No quota restriction shall be placed upon the number of such
permits which may be issued.

The fee for this permit is ~~six~~ seven hundred fifty dollars.

Sec. 4303.18. Permit D-5 may be issued to the owner or
operator of a retail food establishment or a food service
operation licensed pursuant to Chapter 3717. of the Revised Code
that operates as a restaurant or night club for purposes of this
chapter, to sell beer and any intoxicating liquor at retail, only
by the individual drink in glass and from the container, for
consumption on the premises where sold, and to sell the same
products in the same manner and amounts not for consumption on the

premises as may be sold by holders of D-1 and D-2 permits. A 47197
person who is the holder of both a D-3 and D-3a permit need not 47198
obtain a D-5 permit. The fee for this permit is ~~one~~ two thousand 47199
~~eight~~ three hundred ~~seventy-five~~ forty-four dollars. 47200

Sec. 4303.181. (A) Permit D-5a may be issued either to the 47201
owner or operator of a hotel or motel that is required to be 47202
licensed under section 3731.03 of the Revised Code, that contains 47203
at least fifty rooms for registered transient guests, and that 47204
qualifies under the other requirements of this section, or to the 47205
owner or operator of a restaurant specified under this section, to 47206
sell beer and any intoxicating liquor at retail, only by the 47207
individual drink in glass and from the container, for consumption 47208
on the premises where sold, and to registered guests in their 47209
rooms, which may be sold by means of a controlled access alcohol 47210
and beverage cabinet in accordance with division (B) of section 47211
4301.21 of the Revised Code; and to sell the same products in the 47212
same manner and amounts not for consumption on the premises as may 47213
be sold by holders of D-1 and D-2 permits. The premises of the 47214
hotel or motel shall include a retail food establishment or a food 47215
service operation licensed pursuant to Chapter 3717. of the 47216
Revised Code that operates as a restaurant for purposes of this 47217
chapter and that is affiliated with the hotel or motel and within 47218
or contiguous to the hotel or motel, and that serves food within 47219
the hotel or motel, but the principal business of the owner or 47220
operator of the hotel or motel shall be the accommodation of 47221
transient guests. In addition to the privileges authorized in this 47222
division, the holder of a D-5a permit may exercise the same 47223
privileges as the holder of a D-5 permit. 47224

The owner or operator of a hotel, motel, or restaurant who 47225
qualified for and held a D-5a permit on August 4, 1976, may, if 47226
the owner or operator held another permit before holding a D-5a 47227
permit, either retain a D-5a permit or apply for the permit 47228

formerly held, and the division of liquor control shall issue the 47229
permit for which the owner or operator applies and formerly held, 47230
notwithstanding any quota. 47231

A D-5a permit shall not be transferred to another location. 47232
No quota restriction shall be placed on the number of such permits 47233
that may be issued. 47234

The fee for this permit is ~~one~~ two thousand ~~eight~~ three 47235
hundred ~~seventy-five~~ forty-four dollars. 47236

(B) Permit D-5b may be issued to the owner, operator, tenant, 47237
lessee, or occupant of an enclosed shopping center to sell beer 47238
and intoxicating liquor at retail, only by the individual drink in 47239
glass and from the container, for consumption on the premises 47240
where sold; and to sell the same products in the same manner and 47241
amount not for consumption on the premises as may be sold by 47242
holders of D-1 and D-2 permits. In addition to the privileges 47243
authorized in this division, the holder of a D-5b permit may 47244
exercise the same privileges as a holder of a D-5 permit. 47245

A D-5b permit shall not be transferred to another location. 47246

One D-5b permit may be issued at an enclosed shopping center 47247
containing at least two hundred twenty-five thousand, but less 47248
than four hundred thousand, square feet of floor area. 47249

Two D-5b permits may be issued at an enclosed shopping center 47250
containing at least four hundred thousand square feet of floor 47251
area. No more than one D-5b permit may be issued at an enclosed 47252
shopping center for each additional two hundred thousand square 47253
feet of floor area or fraction of that floor area, up to a maximum 47254
of five D-5b permits for each enclosed shopping center. The number 47255
of D-5b permits that may be issued at an enclosed shopping center 47256
shall be determined by subtracting the number of D-3 and D-5 47257
permits issued in the enclosed shopping center from the number of 47258
D-5b permits that otherwise may be issued at the enclosed shopping 47259

center under the formulas provided in this division. Except as 47260
provided in this section, no quota shall be placed on the number 47261
of D-5b permits that may be issued. Notwithstanding any quota 47262
provided in this section, the holder of any D-5b permit first 47263
issued in accordance with this section is entitled to its renewal 47264
in accordance with section 4303.271 of the Revised Code. 47265

The holder of a D-5b permit issued before April 4, 1984, 47266
whose tenancy is terminated for a cause other than nonpayment of 47267
rent, may return the D-5b permit to the division of liquor 47268
control, and the division shall cancel that permit. Upon 47269
cancellation of that permit and upon the permit holder's payment 47270
of taxes, contributions, premiums, assessments, and other debts 47271
owing or accrued upon the date of cancellation to this state and 47272
its political subdivisions and a filing with the division of a 47273
certification of that payment, the division shall issue to that 47274
person either a D-5 permit, or a D-1, a D-2, and a D-3 permit, as 47275
that person requests. The division shall issue the D-5 permit, or 47276
the D-1, D-2, and D-3 permits, even if the number of D-1, D-2, 47277
D-3, or D-5 permits currently issued in the municipal corporation 47278
or in the unincorporated area of the township where that person's 47279
proposed premises is located equals or exceeds the maximum number 47280
of such permits that can be issued in that municipal corporation 47281
or in the unincorporated area of that township under the 47282
population quota restrictions contained in section 4303.29 of the 47283
Revised Code. Any D-1, D-2, D-3, or D-5 permit so issued shall not 47284
be transferred to another location. If a D-5b permit is canceled 47285
under the provisions of this paragraph, the number of D-5b permits 47286
that may be issued at the enclosed shopping center for which the 47287
D-5b permit was issued, under the formula provided in this 47288
division, shall be reduced by one if the enclosed shopping center 47289
was entitled to more than one D-5b permit under the formula. 47290

The fee for this permit is ~~one~~ two thousand ~~eight~~ three 47291

hundred ~~seventy-five~~ forty-four dollars. 47292

(C) Permit D-5c may be issued to the owner or operator of a 47293
retail food establishment or a food service operation licensed 47294
pursuant to Chapter 3717. of the Revised Code that operates as a 47295
restaurant for purposes of this chapter and that qualifies under 47296
the other requirements of this section to sell beer and any 47297
intoxicating liquor at retail, only by the individual drink in 47298
glass and from the container, for consumption on the premises 47299
where sold, and to sell the same products in the same manner and 47300
amounts not for consumption on the premises as may be sold by 47301
holders of D-1 and D-2 permits. In addition to the privileges 47302
authorized in this division, the holder of a D-5c permit may 47303
exercise the same privileges as the holder of a D-5 permit. 47304

To qualify for a D-5c permit, the owner or operator of a 47305
retail food establishment or a food service operation licensed 47306
pursuant to Chapter 3717. of the Revised Code that operates as a 47307
restaurant for purposes of this chapter, shall have operated the 47308
restaurant at the proposed premises for not less than twenty-four 47309
consecutive months immediately preceding the filing of the 47310
application for the permit, have applied for a D-5 permit no later 47311
than December 31, 1988, and appear on the division's quota waiting 47312
list for not less than six months immediately preceding the filing 47313
of the application for the permit. In addition to these 47314
requirements, the proposed D-5c permit premises shall be located 47315
within a municipal corporation and further within an election 47316
precinct that, at the time of the application, has no more than 47317
twenty-five per cent of its total land area zoned for residential 47318
use. 47319

A D-5c permit shall not be transferred to another location. 47320
No quota restriction shall be placed on the number of such permits 47321
that may be issued. 47322

Any person who has held a D-5c permit for at least two years 47323

may apply for a D-5 permit, and the division of liquor control 47324
shall issue the D-5 permit notwithstanding the quota restrictions 47325
contained in section 4303.29 of the Revised Code or in any rule of 47326
the liquor control commission. 47327

The fee for this permit is one thousand ~~two~~ five hundred 47328
~~fifty~~ sixty-three dollars. 47329

(D) Permit D-5d may be issued to the owner or operator of a 47330
retail food establishment or a food service operation licensed 47331
pursuant to Chapter 3717. of the Revised Code that operates as a 47332
restaurant for purposes of this chapter and that is located at an 47333
airport operated by a board of county commissioners pursuant to 47334
section 307.20 of the Revised Code, at an airport operated by a 47335
port authority pursuant to Chapter 4582. of the Revised Code, or 47336
at an airport operated by a regional airport authority pursuant to 47337
Chapter 308. of the Revised Code. The holder of a D-5d permit may 47338
sell beer and any intoxicating liquor at retail, only by the 47339
individual drink in glass and from the container, for consumption 47340
on the premises where sold, and may sell the same products in the 47341
same manner and amounts not for consumption on the premises where 47342
sold as may be sold by the holders of D-1 and D-2 permits. In 47343
addition to the privileges authorized in this division, the holder 47344
of a D-5d permit may exercise the same privileges as the holder of 47345
a D-5 permit. 47346

A D-5d permit shall not be transferred to another location. 47347
No quota restrictions shall be placed on the number of such 47348
permits that may be issued. 47349

The fee for this permit is ~~one~~ two thousand ~~eight~~ three 47350
hundred ~~seventy-five~~ forty-four dollars. 47351

(E) Permit D-5e may be issued to any nonprofit organization 47352
that is exempt from federal income taxation under the "Internal 47353
Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 501(c)(3), as 47354

amended, or that is a charitable organization under any chapter of 47355
the Revised Code, and that owns or operates a riverboat that meets 47356
all of the following: 47357

(1) Is permanently docked at one location; 47358

(2) Is designated as an historical riverboat by the Ohio 47359
historical society; 47360

(3) Contains not less than fifteen hundred square feet of 47361
floor area; 47362

(4) Has a seating capacity of fifty or more persons. 47363

The holder of a D-5e permit may sell beer and intoxicating 47364
liquor at retail, only by the individual drink in glass and from 47365
the container, for consumption on the premises where sold. 47366

A D-5e permit shall not be transferred to another location. 47367
No quota restriction shall be placed on the number of such permits 47368
that may be issued. The population quota restrictions contained in 47369
section 4303.29 of the Revised Code or in any rule of the liquor 47370
control commission shall not apply to this division, and the 47371
division shall issue a D-5e permit to any applicant who meets the 47372
requirements of this division. However, the division shall not 47373
issue a D-5e permit if the permit premises or proposed permit 47374
premises are located within an area in which the sale of 47375
spirituous liquor by the glass is prohibited. 47376

The fee for this permit is ~~nine~~ one thousand two hundred 47377
~~seventy-five~~ nineteen dollars. 47378

(F) Permit D-5f may be issued to the owner or operator of a 47379
retail food establishment or a food service operation licensed 47380
under Chapter 3717. of the Revised Code that operates as a 47381
restaurant for purposes of this chapter and that meets all of the 47382
following: 47383

(1) It contains not less than twenty-five hundred square feet 47384

of floor area. 47385

(2) It is located on or in, or immediately adjacent to, the 47386
shoreline of, a navigable river. 47387

(3) It provides docking space for twenty-five boats. 47388

(4) It provides entertainment and recreation, provided that 47389
not less than fifty per cent of the business on the permit 47390
premises shall be preparing and serving meals for a consideration. 47391

In addition, each application for a D-5f permit shall be 47392
accompanied by a certification from the local legislative 47393
authority that the issuance of the D-5f permit is not inconsistent 47394
with that political subdivision's comprehensive development plan 47395
or other economic development goal as officially established by 47396
the local legislative authority. 47397

The holder of a D-5f permit may sell beer and intoxicating 47398
liquor at retail, only by the individual drink in glass and from 47399
the container, for consumption on the premises where sold. 47400

A D-5f permit shall not be transferred to another location. 47401

The division of liquor control shall not issue a D-5f permit 47402
if the permit premises or proposed permit premises are located 47403
within an area in which the sale of spirituous liquor by the glass 47404
is prohibited. 47405

A fee for this permit is ~~one~~ two thousand ~~eight~~ three hundred 47406
~~seventy-five~~ forty-four dollars. 47407

As used in this division, "navigable river" means a river 47408
that is also a "navigable water" as defined in the "Federal Power 47409
Act," 94 Stat. 770 (1980), 16 U.S.C. 796. 47410

(G) Permit D-5g may be issued to a nonprofit corporation that 47411
is either the owner or the operator of a national professional 47412
sports museum. The holder of a D-5g permit may sell beer and any 47413
intoxicating liquor at retail, only by the individual drink in 47414

glass and from the container, for consumption on the premises 47415
where sold. The holder of a D-5g permit shall sell no beer or 47416
intoxicating liquor for consumption on the premises where sold 47417
after one a.m. A D-5g permit shall not be transferred to another 47418
location. No quota restrictions shall be placed on the number of 47419
D-5g permits that may be issued. The fee for this permit is one 47420
thousand ~~five~~ eight hundred seventy-five dollars. 47421

(H) Permit D-5h may be issued to any nonprofit organization 47422
that is exempt from federal income taxation under the "Internal 47423
Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 501(c)(3), as 47424
amended, that owns or operates a fine arts museum and has no less 47425
than five thousand bona fide members possessing full membership 47426
privileges. The holder of a D-5h permit may sell beer and any 47427
intoxicating liquor at retail, only by the individual drink in 47428
glass and from the container, for consumption on the premises 47429
where sold. The holder of a D-5h permit shall sell no beer or 47430
intoxicating liquor for consumption on the premises where sold 47431
after one a.m. A D-5h permit shall not be transferred to another 47432
location. No quota restrictions shall be placed on the number of 47433
D-5h permits that may be issued. The fee for this permit is one 47434
thousand ~~five~~ eight hundred seventy-five dollars. 47435

(I) Permit D-5i may be issued to the owner or operator of a 47436
retail food establishment or a food service operation licensed 47437
under Chapter 3717. of the Revised Code that operates as a 47438
restaurant for purposes of this chapter and that meets all of the 47439
following requirements: 47440

(1) It is located in a municipal corporation or a township 47441
with a population of ~~fifty~~ seventy-five thousand or less. 47442

(2) It has inside seating capacity for at least one hundred 47443
forty persons. 47444

(3) It has at least four thousand square feet of floor area. 47445

(4) It offers full-course meals, appetizers, and sandwiches. 47446

(5) Its receipts from beer and liquor sales do not exceed 47447
twenty-five per cent of its total gross receipts. 47448

(6) The value of its real and personal property exceeds seven 47449
hundred twenty-five thousand dollars. 47450

The holder of a D-5i permit shall cause an independent audit 47451
to be performed at the end of one full year of operation following 47452
issuance of the permit in order to verify the requirements of 47453
division (I)(5) of this section. The results of the independent 47454
audit shall be transmitted to the division. Upon determining that 47455
the receipts of the holder from beer and liquor sales exceeded 47456
twenty-five per cent of its total gross receipts, the division 47457
shall suspend the permit of the permit holder under section 47458
4301.25 of the Revised Code and may allow the permit holder to 47459
elect a forfeiture under section 4301.252 of the Revised Code. 47460

The holder of a D-5i permit may sell beer and any 47461
intoxicating liquor at retail, only by the individual drink in 47462
glass and from the container, for consumption on the premises 47463
where sold, and may sell the same products in the same manner and 47464
amounts not for consumption on the premises where sold as may be 47465
sold by the holders of D-1 and D-2 permits. The holder of a D-5i 47466
permit shall sell no beer or intoxicating liquor for consumption 47467
on the premises where sold after two-thirty a.m. In addition to 47468
the privileges authorized in this division, the holder of a D-5i 47469
permit may exercise the same privileges as the holder of a D-5 47470
permit. 47471

A D-5i permit shall not be transferred to another location. 47472
The division of liquor control shall not renew a D-5i permit 47473
unless the food service operation for which it is issued continues 47474
to meet the requirements described in divisions (I)(1) to (6) of 47475
this section. No quota restrictions shall be placed on the number 47476

of D-5i permits that may be issued. The fee for this permit is ~~one~~ 47477
two thousand eight ~~three~~ hundred ~~seventy-five~~ forty-four dollars. 47478

(J)(1) Permit D-5j may be issued to the owner or the operator 47479
of a retail food establishment or a food service operation 47480
licensed under Chapter 3717. of the Revised Code to sell beer and 47481
intoxicating liquor at retail, only by the individual drink in 47482
glass and from the container, for consumption on the premises 47483
where sold and to sell beer and intoxicating liquor in the same 47484
manner and amounts not for consumption on the premises where sold 47485
as may be sold by the holders of D-1 and D-2 permits. The holder 47486
of a D-5j permit may exercise the same privileges, and shall 47487
observe the same hours of operation, as the holder of a D-5 47488
permit. 47489

(2) The D-5j permit shall be issued only within a community 47490
entertainment district that is designated under section 4301.80 of 47491
the Revised Code and that meets one of the following 47492
qualifications: 47493

(a) It is located in a municipal corporation with a 47494
population of at least one hundred thousand. 47495

(b) It is located in a municipal corporation with a 47496
population of at least twenty thousand, and either of the 47497
following applies: 47498

(i) It contains an amusement park the rides of which have 47499
been issued a permit by the department of agriculture under 47500
Chapter 1711. of the Revised Code. 47501

(ii) Not less than fifty million dollars will be invested in 47502
development and construction in the community entertainment 47503
district's area located in the municipal corporation. 47504

(c) It is located in a township with a population of at least 47505
forty thousand. 47506

(3) The location of a D-5j permit may be transferred only 47507
within the geographic boundaries of the community entertainment 47508
district in which it was issued and shall not be transferred 47509
outside the geographic boundaries of that district. 47510

(4) Not more than one D-5j permit shall be issued within each 47511
community entertainment district for each five acres of land 47512
located within the district. Not more than fifteen D-5j permits 47513
may be issued within a single community entertainment district. 47514
Except as otherwise provided in division (J)(4) of this section, 47515
no quota restrictions shall be placed upon the number of D-5j 47516
permits that may be issued. 47517

(5) The fee for a D-5j permit is ~~one~~ two thousand ~~eight~~ three 47518
hundred ~~seventy-five~~ forty-four dollars. 47519

(K)(1) Permit D-5k may be issued to any nonprofit 47520
organization that is exempt from federal income taxation under the 47521
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 47522
501(c)(3), as amended, that is the owner or operator of a 47523
botanical garden recognized by the American association of 47524
botanical gardens and arboreta, and that has not less than 47525
twenty-five hundred bona fide members. 47526

(2) The holder of a D-5k permit may sell beer and any 47527
intoxicating liquor at retail, only by the individual drink in 47528
glass and from the container, on the premises where sold. 47529

(3) The holder of a D-5k permit shall sell no beer or 47530
intoxicating liquor for consumption on the premises where sold 47531
after one a.m. 47532

(4) A D-5k permit shall not be transferred to another 47533
location. 47534

(5) No quota restrictions shall be placed on the number of 47535
D-5k permits that may be issued. 47536

(6) The fee for the D-5k permit is one thousand ~~five~~ eight 47537
hundred ~~seventy-five~~ dollars. 47538

Sec. 4303.182. (A) Except as otherwise provided in divisions 47539
(B) to (G) of this section, permit D-6 shall be issued to the 47540
holder of an A-1-A, A-2, C-2, D-2, D-3, D-4, D-4a, D-5, D-5a, 47541
D-5b, D-5c, D-5d, D-5e, D-5f, ~~D-5g~~, D-5h, D-5i, D-5j, D-5k, or D-7 47542
permit to allow sale under that permit between the hours of ten 47543
a.m. and midnight, or between the hours of one p.m. and midnight, 47544
on Sunday, as applicable, if that sale has been authorized under 47545
section 4301.361, 4301.364, 4301.365, or 4301.366 of the Revised 47546
Code and under the restrictions of that authorization. 47547

(B) Permit D-6 shall be issued to the holder of any permit, 47548
including a D-4a and D-5d permit, authorizing the sale of 47549
intoxicating liquor issued for a premises located at any publicly 47550
owned airport, as defined in section 4563.01 of the Revised Code, 47551
at which commercial airline companies operate regularly scheduled 47552
flights on which space is available to the public, to allow sale 47553
under such permit between the hours of ten a.m. and midnight on 47554
Sunday, whether or not that sale has been authorized under section 47555
4301.361, 4301.364, 4301.365, or 4301.366 of the Revised Code. 47556

(C) Permit D-6 shall be issued to the holder of a D-5a 47557
permit, and to the holder of a D-3 or D-3a permit who is the owner 47558
or operator of a hotel or motel that is required to be licensed 47559
under section 3731.03 of the Revised Code, that contains at least 47560
fifty rooms for registered transient guests, and that has on its 47561
premises a retail food establishment or a food service operation 47562
licensed pursuant to Chapter 3717. of the Revised Code that 47563
operates as a restaurant for purposes of this chapter and is 47564
affiliated with the hotel or motel and within or contiguous to the 47565
hotel or motel and serving food within the hotel or motel, to 47566
allow sale under such permit between the hours of ten a.m. and 47567

midnight on Sunday, whether or not that sale has been authorized 47568
under section 4301.361, 4301.364, 4301.365, or 4301.366 of the 47569
Revised Code. 47570

(D) The holder of a D-6 permit that is issued to a sports 47571
facility may make sales under the permit between the hours of 47572
eleven a.m. and midnight on any Sunday on which a professional 47573
baseball, basketball, football, hockey, or soccer game is being 47574
played at the sports facility. As used in this division, "sports 47575
facility" means a stadium or arena that has a seating capacity of 47576
at least four thousand and that is owned or leased by a 47577
professional baseball, basketball, football, hockey, or soccer 47578
franchise or any combination of those franchises. 47579

(E) Permit D-6 shall be issued to the holder of any permit 47580
that authorizes the sale of beer or intoxicating liquor and that 47581
is issued to a premises located in or at the Ohio historical 47582
society area or the state fairgrounds, as defined in division (B) 47583
of section 4301.40 of the Revised Code, to allow sale under that 47584
permit between the hours of ten a.m. and midnight on Sunday, 47585
whether or not that sale has been authorized under section 47586
4301.361, 4301.364, 4301.365, or 4301.366 of the Revised Code. 47587

(F) Permit D-6 shall be issued to the holder of any permit 47588
that authorizes the sale of intoxicating liquor and that is issued 47589
to an outdoor performing arts center to allow sale under that 47590
permit between the hours of one p.m. and midnight on Sunday, 47591
whether or not that sale has been authorized under section 47592
4301.361 of the Revised Code. A D-6 permit issued under this 47593
division is subject to the results of an election, held after the 47594
D-6 permit is issued, on question (B)(4) as set forth in section 47595
4301.351 of the Revised Code. Following the end of the period 47596
during which an election may be held on question (B)(4) as set 47597
forth in that section, sales of intoxicating liquor may continue 47598
at an outdoor performing arts center under a D-6 permit issued 47599

under this division, unless an election on that question is held 47600
during the permitted period and a majority of the voters voting in 47601
the precinct on that question vote "no." 47602

As used in this division, "outdoor performing arts center" 47603
means an outdoor performing arts center that is located on not 47604
less than eight hundred acres of land and that is open for 47605
performances from the first day of April to the last day of 47606
October of each year. 47607

(G) Permit D-6 shall be issued to the holder of any permit 47608
that authorizes the sale of beer or intoxicating liquor and that 47609
is issued to a golf course owned by the state, a conservancy 47610
district, a park district created under Chapter 1545. of the 47611
Revised Code, or another political subdivision to allow sale under 47612
that permit between the hours of ten a.m. and midnight on Sunday, 47613
whether or not that sale has been authorized under section 47614
4301.361, 4301.364, 4301.365, or 4301.366 of the Revised Code. 47615

(H) Permit D-6 shall be issued to the holder of a D-5g permit 47616
to allow sale under that permit between the hours of ten a.m. and 47617
midnight on Sunday, whether or not that sale has been authorized 47618
under section 4301.361, 4301.364, 4301.365, or 4301.366 of the 47619
Revised Code. 47620

(I) If the restriction to licensed premises where the sale of 47621
food and other goods and services exceeds fifty per cent of the 47622
total gross receipts of the permit holder at the premises is 47623
applicable, the division of liquor control may accept an affidavit 47624
from the permit holder to show the proportion of the permit 47625
holder's gross receipts derived from the sale of food and other 47626
goods and services. If the liquor control commission determines 47627
that affidavit to have been false, it shall revoke the permits of 47628
the permit holder at the premises concerned. 47629

~~(I)~~(J) The fee for the D-6 permit is ~~two~~ five hundred fifty 47630

dollars when it is issued to the holder of an A-1-A, A-2, D-2, 47631
D-3, D-3a, D-4, D-4a, D-5, D-5a, D-5b, D-5c, D-5d, D-5e, D-5f, 47632
D-5g, D-5h, D-5i, D-5j, D-5k, or D-7 permit. The fee for the D-6 47633
permit is ~~two~~ four hundred dollars when it is issued to the holder 47634
of a C-2 permit. 47635

Sec. 4303.183. Permit D-7 may be issued to the holder of any 47636
D-2 permit issued by the division of liquor control, or if there 47637
is an insufficient number of D-2 permit holders to fill the resort 47638
quota, to the operator of a retail food establishment or a food 47639
service operation required to be licensed under Chapter 3717. of 47640
the Revised Code that operates as a restaurant for purposes of 47641
this chapter and which qualifies under the other requirements of 47642
this section, to sell beer and any intoxicating liquor at retail, 47643
only by the individual drink in glass and from the container, for 47644
consumption on the premises where sold. Not less than fifty per 47645
cent of the business on the permit premises shall be preparing and 47646
serving meals for a consideration in order to qualify for and 47647
continue to hold such D-7 permit. The permit premises shall be 47648
located in a resort area. 47649

"Resort area" means a municipal corporation, township, 47650
county, or any combination thereof, which provides entertainment, 47651
recreation, and transient housing facilities specifically intended 47652
to provide leisure time activities for persons other than those 47653
whose permanent residence is within the "resort area" and who 47654
increase the population of the "resort area" on a seasonal basis, 47655
and which experiences seasonal peaks of employment and 47656
governmental services as a direct result of population increase 47657
generated by the transient, recreating public. A resort season 47658
shall begin on the first day of May and end on the last day of 47659
October. Notwithstanding section 4303.27 of the Revised Code, such 47660
permits may be issued for resort seasons without regard to the 47661
calendar year or permit year. Quota restrictions on the number of 47662

such permits shall take into consideration the transient 47663
population during the resort season, the custom and habits of 47664
visitors and tourists, and the promotion of the resort and tourist 47665
industry. The fee for this permit is ~~three~~ four hundred 47666
~~seventy-five~~ sixty-nine dollars per month. 47667

Any suspension of a D-7 permit shall be satisfied during the 47668
resort season in which such suspension becomes final. If such 47669
suspension becomes final during the off-season, or if the period 47670
of the suspension extends beyond the last day of October, the 47671
suspension or remainder thereof shall be satisfied during the next 47672
resort season. 47673

The ownership of a D-7 permit may be transferred from one 47674
permit holder to another. The holder of a D-7 permit may file an 47675
application to transfer such permit to a new location within the 47676
same resort area, provided that such permit holder shall be the 47677
owner or operator of a retail food establishment or a food service 47678
operation, required to be licensed under Chapter 3717. of the 47679
Revised Code, that operates as a restaurant for purposes of this 47680
chapter, at such new location. 47681

Sec. 4303.184. (A) Subject to division (B) of this section, a 47682
D-8 permit may be issued to the holder of a C-1, C-2, or C-2x 47683
permit issued to a retail store that has either of the following 47684
characteristics: 47685

(1) The store has at least five thousand five hundred square 47686
feet of floor area, and it generates more than sixty per cent of 47687
its sales in general merchandise items and food for consumption 47688
off the premises where sold. 47689

(2) Wine constitutes at least sixty per cent of the value of 47690
the store's inventory. 47691

(B) A D-8 permit may be issued to the holder of a C-1, C-2, 47692

or C-2x permit only if the premises of the permit holder are 47693
located in a precinct, or at a particular location in a precinct, 47694
in which the sale of beer, wine, or mixed beverages is permitted 47695
for consumption off the premises where sold. Sales under a D-8 47696
permit are not affected by whether sales for consumption on the 47697
premises where sold are permitted in the precinct or at the 47698
particular location where the D-8 premises are located. 47699

(C) The holder of a D-8 permit may sell tasting samples of 47700
beer, wine, and mixed beverages, but not spirituous liquor, at 47701
retail, for consumption on the premises where sold in an amount 47702
not to exceed two ounces or another amount designated by rule of 47703
the liquor control commission. A tasting sample shall not be sold 47704
for general consumption. No D-8 permit holder shall allow any 47705
authorized purchaser to consume more than four tasting samples of 47706
beer, wine, or mixed beverages, or any combination of beer, wine, 47707
or mixed beverages, per day. 47708

(D) The privileges authorized under a D-8 permit may only be 47709
exercised in conjunction with and during the hours of operation 47710
authorized by a C-1, C-2, C-2x, or D-6 permit. 47711

(E) A D-8 permit shall not be transferred to another 47712
location. 47713

(F) The fee for the D-8 permit is ~~two~~ five hundred ~~fifty~~ 47714
dollars. 47715

(G) The holder of a D-8 permit shall cause an independent 47716
audit to be performed at the end of the first full year of 47717
operation following issuance of the permit, and at the end of each 47718
second year thereafter, in order to verify that the permit holder 47719
satisfies the applicable requirement of division (A)(1) or (2) of 47720
this section. The permit holder shall transmit the results of the 47721
independent audit to the division of liquor control. If the 47722
results of the audit indicate noncompliance with division (A) of 47723

this section, the division shall not renew the D-8 permit of the 47724
permit holder. 47725

Sec. 4303.19. Permit E may be issued to the owner or operator 47726
of any railroad, a sleeping car company operating dining cars, 47727
buffet cars, club cars, lounge cars, or similar equipment, or an 47728
airline providing charter or regularly scheduled aircraft 47729
transportation service with dining, buffet, club, lounge, or 47730
similar facilities, to sell beer or any intoxicating liquor in any 47731
such car or aircraft to bona fide passengers at retail in glass 47732
and from the container for consumption in such car or aircraft, 47733
including sale on Sunday between the hours of one p.m. and 47734
midnight. The fee for this permit is ~~two~~ five hundred ~~fifty~~ 47735
dollars. 47736

Sec. 4303.20. Permit F may be issued to an association of ten 47737
or more persons, a labor union, or a charitable organization, or 47738
to an employer of ten or more persons sponsoring a function for 47739
~~his~~ the employer's employees, to purchase from the holders of A-1 47740
and B-1 permits and to sell beer for a period lasting not to 47741
exceed five days. No more than two such permits may be issued to 47742
the same applicant in any thirty-day period. 47743

The special function for which ~~such~~ the permit is issued 47744
shall include a social, recreational, benevolent, charitable, 47745
fraternal, political, patriotic, or athletic purpose but shall not 47746
include any function the proceeds of which are for the profit or 47747
gain of any individual. The fee for this permit is ~~twenty~~ forty 47748
dollars. 47749

Sec. 4303.201. (A) As used in this section: 47750

(1) "Convention facility" means any structure owned or leased 47751
by a municipal corporation or county which was expressly designed 47752
and constructed and is currently used for the purpose of 47753

presenting conventions, public meetings, and exhibitions. 47754

(2) "Nonprofit organization" means any unincorporated 47755
association or nonprofit corporation that is not formed for the 47756
pecuniary gain or profit of, and whose net earnings or any part 47757
thereof is not distributable to, its members, trustees, officers, 47758
or other private persons; provided, that the payment of reasonable 47759
compensation for services rendered and the distribution of assets 47760
on dissolution shall not be considered pecuniary gain or profit or 47761
distribution of earnings in an association or corporation all of 47762
whose members are nonprofit corporations. Distribution of earnings 47763
to member organizations does not deprive it of the status of a 47764
nonprofit organization. 47765

(B) An F-1 permit may be issued to any nonprofit organization 47766
to allow the nonprofit organization and its members and their 47767
guests to lawfully bring beer, wine, and intoxicating liquor in 47768
its original package, flasks, or other containers into a 47769
convention facility for consumption therein, if both of the 47770
following requirements are met: 47771

(1) The superintendent of liquor control is satisfied the 47772
organization meets the definition of a nonprofit organization as 47773
set forth in division (A)(2) of this section, the nonprofit 47774
organization's membership includes persons residing in two or more 47775
states, and the organization's total membership is in excess of 47776
five hundred. The superintendent may accept a sworn statement by 47777
the president or other chief executive officer of the nonprofit 47778
organization as proof of the matters required in this division. 47779

(2) The managing official or employee of the convention 47780
facility has given written consent to the use of the convention 47781
facility and to the application for the F-1 permit, as shown in 47782
the nonprofit organization's application to the superintendent. 47783

(C) The superintendent shall specify individually the 47784

effective period of each F-1 permit on the permit, which shall not 47785
exceed three days. The fee for an F-1 permit is ~~one~~ two hundred 47786
~~twenty-five~~ fifty dollars. The superintendent shall prepare and 47787
make available application forms to request F-1 permits and may 47788
require applicants to furnish such information as the 47789
superintendent determines to be necessary for the administration 47790
of this section. 47791

(D) No holder of an F-1 permit shall make a specific charge 47792
for beer, wine, or intoxicating liquor by the drink, or in its 47793
original package, flasks, or other containers in connection with 47794
its use of the convention facility under the permit. 47795

Sec. 4303.202. (A) The division of liquor control may issue 47796
an F-2 permit to an association or corporation, or to a recognized 47797
subordinate lodge, chapter, or other local unit of an association 47798
or corporation, to sell beer or intoxicating liquor by the 47799
individual drink at an event to be held on premises located in a 47800
political subdivision or part thereof where the sale of beer or 47801
intoxicating liquor on that day is otherwise permitted by law. 47802

The division of liquor control may issue an F-2 permit to an 47803
association or corporation, or to a recognized subordinate lodge, 47804
chapter, or other local unit of an association or corporation, to 47805
sell beer, wine, and spirituous liquor by the individual drink at 47806
an event to be held on premises located in a political subdivision 47807
or part thereof where the sale of beer and wine, but not 47808
spirituous liquor, is otherwise permitted by law on that day. 47809

Notwithstanding section 1711.09 of the Revised Code, this 47810
section applies to any association or corporation or a recognized 47811
subordinate lodge, chapter, or other local unit of an association 47812
or corporation. 47813

In order to receive an F-2 permit, the association, 47814
corporation, or local unit shall be organized not for profit, 47815

shall be operated for a charitable, cultural, fraternal, or 47816
educational purpose, and shall not be affiliated with the holder 47817
of any class of liquor permit, other than a D-4 permit. 47818

The premises on which the permit is to be used shall be 47819
clearly defined and sufficiently restricted to allow proper 47820
supervision of the permit use by state and local law enforcement 47821
personnel. An F-2 permit may be issued for the same premises for 47822
which another class of permit is issued. 47823

No F-2 permit shall be effective for more than forty-eight 47824
consecutive hours, and sales shall be confined to the same hours 47825
permitted to the holder of a D-3 permit. The division shall not 47826
issue more than two F-2 permits in one calendar year to the same 47827
association, corporation, or local unit of an association or 47828
corporation. The fee for an F-2 permit is ~~seventy-five~~ one hundred
fifty dollars. 47829
47830

If an applicant wishes the holder of a D-3, D-4, or D-5 47831
permit to conduct the sale of beer and intoxicating liquor at the 47832
event, the applicant may request that the F-2 permit be issued 47833
jointly to the association, corporation, or local unit and the 47834
D-permit holder. If a permit is issued jointly, the association, 47835
corporation, or local unit and the D-permit holder shall both be 47836
held responsible for any conduct that violates laws pertaining to 47837
the sale of alcoholic beverages, including sales by the D-permit 47838
holder; otherwise, the association, corporation, or local unit 47839
shall be held responsible. In addition to the permit fee paid by 47840
the association, corporation, or local unit, the D-permit holder 47841
shall pay a fee of ten dollars. A D-permit holder may receive an 47842
unlimited number of joint F-2 permits. 47843

Any association, corporation, or local unit applying for an 47844
F-2 permit shall file with the application a statement of the 47845
organizational purpose of the association, corporation, or local 47846
unit, the location and purpose of the event, and a list of its 47847

officers. The application form shall contain a notice that a 47848
person who knowingly makes a false statement on the application or 47849
statement is guilty of the crime of falsification, a misdemeanor 47850
of the first degree. In ruling on an application, the division 47851
shall consider, among other things, the past activities of the 47852
association, corporation, or local unit and any D-permit holder 47853
while operating under other F-2 permits, the location of the event 47854
for which the current application is made, and any objections of 47855
local residents or law enforcement authorities. If the division 47856
approves the application, it shall send copies of the approved 47857
application to the proper law enforcement authorities prior to the 47858
scheduled event. 47859

Using the procedures of Chapter 119. of the Revised Code, the 47860
liquor control commission may adopt such rules as are necessary to 47861
administer this section. 47862

(B) No association, corporation, local unit of an association 47863
or corporation, or D-permit holder who holds an F-2 permit shall 47864
sell beer or intoxicating liquor beyond the hours of sale allowed 47865
by the permit. This division imposes strict liability on the 47866
holder of such permit and on any officer, agent, or employee of 47867
such permit holder. 47868

Sec. 4303.203. (A) As used in this section: 47869

(1) "Convention facility" and "nonprofit corporation" have 47870
the same meanings as in section 4303.201 of the Revised Code. 47871

(2) "Hotel" means a hotel described in section 3731.01 of the 47872
Revised Code that has at least fifty rooms for registered 47873
transient guests and that is required to be licensed pursuant to 47874
section 3731.03 of the Revised Code. 47875

(B) An F-3 permit may be issued to an organization whose 47876
primary purpose is to support, promote, and educate members of the 47877

beer, wine, or mixed beverage industries, to allow the 47878
organization to bring beer, wine, or mixed beverages in their 47879
original packages or containers into a convention facility or 47880
hotel for consumption in the facility or hotel, if all of the 47881
following requirements are met: 47882

(1) The superintendent of liquor control is satisfied that 47883
the organization is a nonprofit organization and that the 47884
organization's membership is in excess of two hundred fifty 47885
persons. 47886

(2) The general manager or the equivalent officer of the 47887
convention facility or hotel provides a written consent for the 47888
use of a portion of the facility or hotel by the organization and 47889
a written statement that the facility's or hotel's permit 47890
privileges will be suspended in the portion of the facility or 47891
hotel in which the F-3 permit is in force. 47892

(3) The organization provides a written description that 47893
clearly sets forth the portion of the convention facility or hotel 47894
in which the F-3 permit will be used. 47895

(4) The organization provides a written statement as to its 47896
primary purpose and the purpose of its event at the convention 47897
facility or hotel. 47898

(5) Division (C) of this section does not apply. 47899

(C) No F-3 permit shall be issued to any nonprofit 47900
organization that is created by or for a specific manufacturer, 47901
supplier, distributor, or retailer of beer, wine, or mixed 47902
beverages. 47903

(D) Notwithstanding division (E) of section 4301.22 of the 47904
Revised Code, a holder of an F-3 permit may obtain by donation 47905
beer, wine, or mixed beverages from any manufacturer or producer 47906
of beer, wine, or mixed beverages. 47907

(E) Nothing in this chapter prohibits the holder of an F-3 permit from bringing into the portion of the convention facility or hotel covered by the permit beer, wine, or mixed beverages otherwise not approved for sale in this state.

(F) Notwithstanding division (E) of section 4301.22 of the Revised Code, no holder of an F-3 permit shall make any charge for any beer, wine, or mixed beverage served by the drink, or in its original package or container, in connection with the use of the portion of the convention facility or hotel covered by the permit.

(G) The division of liquor control shall prepare and make available an F-3 permit application form and may require applicants for the permit to provide information, in addition to that required by this section, that is necessary for the administration of this section.

(H) An F-3 permit shall be effective for a period not to exceed five consecutive days. The division of liquor control shall not issue more than three F-3 permits per calendar year to the same nonprofit organization. The fee for an F-3 permit is ~~one~~ three hundred ~~fifty~~ dollars.

Sec. 4303.204. (A) The division of liquor control may issue an F-4 permit to an association or corporation organized not-for-profit in this state to conduct an event that includes the introduction, showcasing, or promotion of Ohio wines, if the event has all of the following characteristics:

(1) It is coordinated by that association or corporation, and the association or corporation is responsible for the activities at it.

(2) It has as one of its purposes the intent to introduce, showcase, or promote Ohio wines to persons who attend it.

(3) It includes the sale of food for consumption on the

premises where sold. 47938

(4) It features at least three A-2 permit holders who sell 47939
Ohio wine at it. 47940

(B) The holder of an F-4 permit may furnish, without charge, 47941
wine that it has obtained from the A-2 permit holders that are 47942
participating in the event for which the F-4 permit is issued, in 47943
two-ounce samples for consumption on the premises where furnished 47944
and may sell such wine by the glass for consumption on the 47945
premises where sold. The holder of an A-2 permit that is 47946
participating in the event for which the F-4 permit is issued may 47947
sell wine that it has manufactured, in sealed containers for 47948
consumption off the premises where sold. Wine may be furnished or 47949
sold on the premises of the event for which the F-4 permit is 47950
issued only where and when the sale of wine is otherwise permitted 47951
by law. 47952

(C) The premises of the event for which the F-4 permit is 47953
issued shall be clearly defined and sufficiently restricted to 47954
allow proper enforcement of the permit by state and local law 47955
enforcement officers. If an F-4 permit is issued for all or a 47956
portion of the same premises for which another class of permit is 47957
issued, that permit holder's privileges will be suspended in that 47958
portion of the premises in which the F-4 permit is in effect. 47959

(D) No F-4 permit shall be effective for more than 47960
seventy-two consecutive hours. No sales or furnishing of wine 47961
shall take place under an F-4 permit after one a.m. 47962

(E) The division shall not issue more than six F-4 permits to 47963
the same not-for-profit association or corporation in any one 47964
calendar year. 47965

(F) An applicant for an F-4 permit shall apply for the permit 47966
not later than thirty days prior to the first day of the event for 47967
which the permit is sought. The application for the permit shall 47968

list all of the A-2 permit holders that will participate in the 47969
event for which the F-4 permit is sought. The fee for the F-4 47970
permit is ~~thirty~~ sixty dollars per day. 47971

The division shall prepare and make available an F-4 permit 47972
application form and may require applicants for and holders of the 47973
F-4 permit to provide information that is in addition to that 47974
required by this section and that is necessary for the 47975
administration of this section. 47976

(G)(1) The holder of an F-4 permit is responsible for, and is 47977
subject to penalties for, any violations of this chapter or 47978
Chapter 4301. of the Revised Code or the rules adopted under this 47979
and that chapter. 47980

(2) An F-4 permit holder shall not allow an A-2 permit holder 47981
to participate in the event for which the F-4 permit is issued if 47982
the A-2 or A-1-A permit of that A-2 permit holder is under 47983
suspension. 47984

(3) The division may refuse to issue an F-4 permit to an 47985
applicant who has violated any provision of this chapter or 47986
Chapter 4301. of the Revised Code during the applicant's previous 47987
operation under an F-4 permit, for a period of up to two years 47988
after the date of the violation. 47989

(H)(1) Notwithstanding division (E) of section 4301.22 of the 47990
Revised Code, an A-2 permit holder that participates in an event 47991
for which an F-4 permit is issued may donate wine that it has 47992
manufactured to the holder of that F-4 permit. The holder of an 47993
F-4 permit may return unused and sealed containers of wine to the 47994
A-2 permit holder that donated the wine at the conclusion of the 47995
event for which the F-4 permit was issued. 47996

(2) The participation by an A-2 permit holder or its 47997
employees in an event for which an F-4 permit is issued does not 47998
violate section 4301.24 of the Revised Code. 47999

<u>Sec. 4303.205. (A) As used in this section:</u>	48000
<u>(1) "Festival" means an event organized by a nonprofit organization that includes food, music, and entertainment and the participation of at least five riverboats.</u>	48001 48002 48003
<u>(2) "Nonprofit organization" has the same meaning as in section 4303.201 of the Revised Code.</u>	48004 48005
<u>(B) The division of liquor control may issue an F-5 permit to the owner or operator of a riverboat that has a capacity in excess of fifty-five persons, that is not regularly docked in this state, and whose owner or operator has entered into a written contract with a nonprofit organization for the riverboat to participate in a festival.</u>	48006 48007 48008 48009 48010 48011
<u>(C) The holder of an F-5 permit may sell beer and any intoxicating liquor, only by the individual drink in glass and from the container, for consumption on the premises where sold until one a.m., on any day of the week, including Sunday.</u>	48012 48013 48014 48015
<u>(D) The division shall prepare and make available an F-5 permit application form and may require applicants for the permit to provide information, in addition to that required by this section, that is necessary for the administration of this section.</u>	48016 48017 48018 48019
<u>(E) Sales under an F-5 permit are not affected by whether sales of beer or intoxicating liquor for consumption on the premises where sold are permitted to be made by persons holding another type of permit in the precinct or at the particular location where the riverboat is located.</u>	48020 48021 48022 48023 48024
<u>(F) No F-5 permit shall be in effect for more than six consecutive days.</u>	48025 48026
<u>(G) The division shall not issue more than one F-5 permit in any one calendar year for the same riverboat.</u>	48027 48028

(H) The fee for an F-5 permit is one hundred eighty dollars. 48029

Sec. 4303.21. Permit G may be issued to the owner of a 48030
pharmacy in charge of a licensed pharmacist to be named in ~~such~~ 48031
the permit for the sale at retail of alcohol for medicinal 48032
purposes in quantities at each sale of not more than one gallon 48033
upon the written prescription of a physician or dentist who is 48034
lawfully and regularly engaged in the practice of the physician's 48035
or dentist's profession in this state, and for the sale of 48036
industrial alcohol for mechanical, chemical, or scientific 48037
purposes to a person known by the seller to be engaged in ~~such~~ 48038
mechanical, chemical, or scientific pursuits; all subject to 48039
section 4303.34 of the Revised Code. The fee for this permit ~~if~~ 48040
~~fifty~~ is one hundred dollars. 48041

Sec. 4303.22. Permit H may be issued for a fee of ~~one~~ three 48042
hundred ~~fifty~~ dollars to a carrier by motor vehicle who also holds 48043
a license issued by the public utilities commission to transport 48044
beer, intoxicating liquor, and alcohol, or any of them, in this 48045
state for delivery or use in this state. This section does not 48046
prevent the division of liquor control from contracting with 48047
common or contract carriers for the delivery or transportation of 48048
liquor for the division, and any contract or common carrier so 48049
contracting with the division is eligible for an H permit. 48050
Manufacturers or wholesale distributors of beer or intoxicating 48051
liquor other than spirituous liquor who transport or deliver their 48052
own products to or from their premises licensed under this chapter 48053
and Chapter 4301. of the Revised Code by their own trucks as an 48054
incident to the purchase or sale of such beverages need not obtain 48055
an H permit. Carriers by rail shall receive an H permit upon 48056
application for it. 48057

This section does not prevent the division from issuing, upon 48058

the payment of the permit fee, an H permit to any person, 48059
partnership, firm, or corporation licensed by any other state to 48060
engage in the business of manufacturing and brewing or producing 48061
beer, wine, and mixed beverages or any person, partnership, firm, 48062
or corporation licensed by the United States or any other state to 48063
engage in the business of importing beer, wine, and mixed 48064
beverages manufactured outside the United States. The 48065
manufacturer, brewer, or importer of products manufactured outside 48066
the United States, upon the issuance of an H permit, may 48067
transport, ship, and deliver only its own products to holders of 48068
B-1 or B-5 permits in Ohio in motor trucks and equipment owned and 48069
operated by such class H permit holder. No H permit shall be 48070
issued by the division to such applicant until the applicant files 48071
with the division a liability insurance certificate or policy 48072
satisfactory to the division, in a sum of not less than one 48073
thousand nor more than five thousand dollars for property damage 48074
and for not less than five thousand nor more than fifty thousand 48075
dollars for loss sustained by reason of injury or death and with 48076
such other terms as the division considers necessary to adequately 48077
protect the interest of the public, having due regard for the 48078
number of persons and amount of property affected. The certificate 48079
or policy shall insure the manufacturer, brewer, or importer of 48080
products manufactured outside the United States against loss 48081
sustained by reason of the death of or injury to persons, and for 48082
loss of or damage to property, from the negligence of such class H 48083
permit holder in the operation of its motor vehicles or equipment 48084
in this state. 48085

Sec. 4303.23. Permit I may be issued to wholesale druggists 48086
to purchase alcohol from the holders of A-3 permits and to import 48087
alcohol into ~~Ohio~~ this state subject to ~~such~~ terms ~~as are~~ imposed 48088
by the division of liquor control; to sell at wholesale to 48089
physicians, dentists, druggists, veterinary surgeons, 48090

manufacturers, hospitals, infirmaries, and medical or educational 48091
institutions using such alcohol for medicinal, mechanical, 48092
chemical, or scientific purposes, and to holders of G permits for 48093
nonbeverage purposes only; and to sell alcohol at retail in total 48094
quantities at each sale of not more than one quart, upon the 48095
written prescription of a physician or dentist who is lawfully and 48096
regularly engaged in the practice of ~~his~~ the physician's or 48097
dentist's profession in this state. The sale of alcohol under this 48098
section is subject to section 4303.34 of the Revised Code. The fee 48099
for this permit is ~~one~~ two hundred dollars. 48100

"Wholesale druggists," as used in this section includes all 48101
persons holding federal wholesale liquor dealers' licenses and who 48102
are engaged in the sale of medicinal drugs, proprietary medicines, 48103
and surgical and medical appliances and apparatus, at wholesale. 48104

Sec. 4303.231. Permit W may be issued to a manufacturer or 48105
supplier of beer or intoxicating liquor to operate a warehouse for 48106
the storage of beer or intoxicating liquor within this state and 48107
to sell ~~such~~ those products from the warehouse only to holders of 48108
B permits in this state and to other customers outside this state 48109
under rules promulgated by the liquor control commission. Each 48110
holder of a B permit with a consent to import on file with the 48111
division of liquor control may purchase beer or intoxicating 48112
liquor if designated by the permit to make ~~such~~ those purchases, 48113
from the holder of a W permit. The fee for a W permit is one 48114
thousand ~~two~~ five hundred ~~fifty~~ sixty-three dollars for each 48115
warehouse during the year covered by the permit. 48116

Sec. 4501.06. The taxes, fees, and fines levied, charged, or 48117
referred to in division (C)(1) of section 4503.10, division (D) of 48118
section 4503.182, and sections 4505.11, 4505.111, 4506.08, 48119
4506.09, 4507.23, 4508.05, 4923.12, and 5502.12 of the Revised 48120
Code, unless otherwise designated by law, shall be deposited in 48121

the state treasury to the credit of the state highway safety fund, 48122
which is hereby created, and shall, after receipt of 48123
certifications from the commissioners of the sinking fund 48124
certifying, as required by sections 5528.15 and 5528.35 of the 48125
Revised Code, that there are sufficient moneys to the credit of 48126
the highway improvement bond retirement fund created by section 48127
5528.12 of the Revised Code to meet in full all payments of 48128
interest, principal, and charges for the retirement of bonds and 48129
other obligations issued pursuant to Section 2g of Article VIII, 48130
Ohio Constitution, and sections 5528.10 and 5528.11 of the Revised 48131
Code due and payable during the current calendar year, and that 48132
there are sufficient moneys to the credit of the highway 48133
obligations bond retirement fund created by section 5528.32 of the 48134
Revised Code to meet in full all payments of interest, principal, 48135
and charges for the retirement of highway obligations issued 48136
pursuant to Section 2i of Article VIII, Ohio Constitution, and 48137
sections 5528.30 and 5528.31 of the Revised Code due and payable 48138
during the current calendar year, be used for the purpose of 48139
enforcing and paying the expenses of administering the law 48140
relative to the registration and operation of motor vehicles on 48141
the public roads or highways. Amounts credited to the fund may 48142
also be used to pay the expenses of administering and enforcing 48143
the laws under which such fees were collected. All investment 48144
earnings of the state highway safety fund shall be credited to the 48145
fund. 48146

Sec. 4503.06. (A) The owner of each manufactured or mobile 48147
home that has acquired situs in this state shall pay either a real 48148
property tax pursuant to Title LVII of the Revised Code or a 48149
manufactured home tax pursuant to division (C) of this section. 48150

(B) The owner of a manufactured or mobile home shall pay real 48151
property taxes if either of the following applies: 48152

(1) The manufactured or mobile home acquired situs in the state or ownership in the home was transferred on or after January 1, 2000, and all of the following apply:

(a) The home is affixed to a permanent foundation as defined in division (C)(5) of section 3781.06 of the Revised Code;

(b) The home is located on land that is owned by the owner of the home;

(c) The certificate of title has been inactivated by the clerk of the court of common pleas that issued it, pursuant to division (H) of section 4505.11 of the Revised Code.

(2) The manufactured or mobile home acquired situs in the state or ownership in the home was transferred before January 1, 2000, and all of the following apply:

(a) The home is affixed to a permanent foundation as defined in division (C)(5) of section 3781.06 of the Revised Code;

(b) The home is located on land that is owned by the owner of the home;

(c) The owner of the home has elected to have the home taxed as real property and, pursuant to section 4505.11 of the Revised Code, has surrendered the certificate of title to the auditor of the county containing the taxing district in which the home has its situs, together with proof that all taxes have been paid;

(d) The county auditor has placed the home on the real property tax list and delivered the certificate of title to the clerk of the court of common pleas that issued it and the clerk has inactivated the certificate.

(C)(1) Any mobile or manufactured home that is not taxed as real property as provided in division (B) of this section is subject to an annual manufactured home tax, payable by the owner, for locating the home in this state. The tax as levied in this

section is for the purpose of supplementing the general revenue 48183
funds of the local subdivisions in which the home has its situs 48184
pursuant to this section. 48185

(2) The year for which the manufactured home tax is levied 48186
commences on the first day of January and ends on the following 48187
thirty-first day of December. The state shall have the first lien 48188
on any manufactured or mobile home on the list for the amount of 48189
taxes, penalties, and interest charged against the owner of the 48190
home under this section. The lien of the state for the tax for a 48191
year shall attach on the first day of January to a home that has 48192
acquired situs on that date. The lien for a home that has not 48193
acquired situs on the first day of January, but that acquires 48194
situs during the year, shall attach on the next first day of 48195
January. The lien shall continue until the tax, including any 48196
penalty or interest, is paid. 48197

(3)(a) The situs of a manufactured or mobile home located in 48198
this state on the first day of January is the local taxing 48199
district in which the home is located on that date. 48200

(b) The situs of a manufactured or mobile home not located in 48201
this state on the first day of January, but located in this state 48202
subsequent to that date, is the local taxing district in which the 48203
home is located thirty days after it is acquired or first enters 48204
this state. 48205

(4) The tax is collected by and paid to the county treasurer 48206
of the county containing the taxing district in which the home has 48207
its situs. 48208

(D) The manufactured home tax shall be computed and assessed 48209
by the county auditor of the county containing the taxing district 48210
in which the home has its situs as follows: 48211

(1) On a home that acquired situs in this state prior to 48212
January 1, 2000; 48213

(a) By multiplying the assessable value of the home by the 48214
tax rate of the taxing district in which the home has its situs, 48215
and deducting from the product thus obtained any reduction 48216
authorized under section 4503.065 of the Revised Code. The tax 48217
levied under this formula shall not be less than thirty-six 48218
dollars, unless the home qualifies for a reduction in assessable 48219
value under section 4503.065 of the Revised Code, in which case 48220
there shall be no minimum tax and the tax shall be the amount 48221
calculated under this division. 48222

(b) The assessable value of the home shall be forty per cent 48223
of the amount arrived at by the following computation: 48224

(i) If the cost to the owner, or market value at time of 48225
purchase, whichever is greater, of the home includes the 48226
furnishings and equipment, such cost or market value shall be 48227
multiplied according to the following schedule: 48228

For the first calendar year			48229
in which the			48230
home is owned by the			48231
current owner		80%	48232
2nd calendar year	x	75%	48233
3rd "	x	70%	48234
4th "	x	65%	48235
5th "	x	60%	48236
6th "	x	55%	48237
7th "	x	50%	48238
8th "	x	45%	48239
9th "	x	40%	48240
10th and each year thereafter		35%	48241

The first calendar year means any period between the first 48242
day of January and the thirty-first day of December of the first 48243
year. 48244

(ii) If the cost to the owner, or market value at the time of purchase, whichever is greater, of the home does not include the furnishings and equipment, such cost or market value shall be multiplied according to the following schedule:

For the first calendar year			48249
in which the			48250
home is owned by the			48251
current owner		95%	48252
2nd calendar year	x	90%	48253
3rd "	x	85%	48254
4th "	x	80%	48255
5th "	x	75%	48256
6th "	x	70%	48257
7th "	x	65%	48258
8th "	x	60%	48259
9th "	x	55%	48260
10th and each year thereafter		50%	48261

The first calendar year means any period between the first day of January and the thirty-first day of December of the first year.

(2) On a home in which ownership was transferred or that first acquired situs in this state on or after January 1, 2000:

(a) By multiplying the assessable value of the home by the effective tax rate, as defined in section 323.08 of the Revised Code, for residential real property of the taxing district in which the home has its situs, and deducting from the product thus obtained the reductions required or authorized under section 319.302, division (B) of section 323.152, or section 4503.065 of the Revised Code.

(b) The assessable value of the home shall be thirty-five per cent of its true value as determined under division (L) of this

section. 48276

(3) On or before the fifteenth day of January each year, the 48277
auditor shall record the assessable value and the amount of tax on 48278
the manufactured or mobile home on the tax list and deliver a 48279
duplicate of the list to the county treasurer. In the case of an 48280
emergency as defined in section 323.17 of the Revised Code, the 48281
tax commissioner, by journal entry, may extend the times for 48282
delivery of the duplicate for an additional fifteen days upon 48283
receiving a written application from the county auditor regarding 48284
an extension for the delivery of the duplicate, or from the county 48285
treasurer regarding an extension of the time for the billing and 48286
collection of taxes. The application shall contain a statement 48287
describing the emergency that will cause the unavoidable delay and 48288
must be received by the tax commissioner on or before the last day 48289
of the month preceding the day delivery of the duplicate is 48290
otherwise required. When an extension is granted for delivery of 48291
the duplicate, the time period for payment of taxes shall be 48292
extended for a like period of time. When a delay in the closing of 48293
a tax collection period becomes unavoidable, the tax commissioner, 48294
upon application by the county auditor and county treasurer, may 48295
order the time for payment of taxes to be extended if the tax 48296
commissioner determines that penalties have accrued or would 48297
otherwise accrue for reasons beyond the control of the taxpayers 48298
of the county. The order shall prescribe the final extended date 48299
for payment of taxes for that collection period. 48300

(4) After January 1, 1999, the owner of a manufactured or 48301
mobile home taxed pursuant to division (D)(1) of this section may 48302
elect to have the home taxed pursuant to division (D)(2) of this 48303
section by filing a written request with the county auditor of the 48304
taxing district in which the home is located on or before the 48305
first day of December of any year. Upon the filing of the request, 48306
the county auditor shall determine whether all taxes levied under 48307

division (D)(1) of this section have been paid, and if those taxes 48308
have been paid, the county auditor shall tax the manufactured or 48309
mobile home pursuant to division (D)(2) of this section commencing 48310
in the next tax year. 48311

(5) A manufactured or mobile home that acquired situs in this 48312
state prior to January 1, 2000, shall be taxed pursuant to 48313
division (D)(2) of this section if no manufactured home tax had 48314
been paid for the home and the home was not exempted from taxation 48315
pursuant to division (E) of this section for the year for which 48316
the taxes were not paid. 48317

(6)(a) Immediately upon receipt of any manufactured home tax 48318
duplicate from the county auditor, but not less than twenty days 48319
prior to the last date on which the first one-half taxes may be 48320
paid without penalty as prescribed in division (F) of this 48321
section, the county treasurer shall cause to be prepared and 48322
mailed or delivered to each person charged on that duplicate with 48323
taxes, or to an agent designated by such person, the tax bill 48324
prescribed by the tax commissioner under division (D)(7) of this 48325
section. When taxes are paid by installments, the county treasurer 48326
shall mail or deliver to each person charged on such duplicate or 48327
the agent designated by such person a second tax bill showing the 48328
amount due at the time of the second tax collection. The second 48329
half tax bill shall be mailed or delivered at least twenty days 48330
prior to the close of the second half tax collection period. A 48331
change in the mailing address of any tax bill shall be made in 48332
writing to the county treasurer. Failure to receive a bill 48333
required by this section does not excuse failure or delay to pay 48334
any taxes shown on the bill or, except as provided in division 48335
~~(A)~~(B)(1) of section 5715.39 of the Revised Code, avoid any 48336
penalty, interest, or charge for such delay. 48337

(b) After delivery of the copy of the delinquent manufactured 48338
home tax list under division (H) of this section, the county 48339

treasurer may prepare and mail to each person in whose name a home 48340
is listed an additional tax bill showing the total amount of 48341
delinquent taxes charged against the home as shown on the list. 48342
The tax bill shall include a notice that the interest charge 48343
prescribed by division (G) of this section has begun to accrue. 48344

(7) Each tax bill prepared and mailed or delivered under 48345
division (D)(6) of this section shall be in the form and contain 48346
the information required by the tax commissioner. The commissioner 48347
may prescribe different forms for each county and may authorize 48348
the county auditor to make up tax bills and tax receipts to be 48349
used by the county treasurer. The tax bill shall not contain or be 48350
mailed or delivered with any information or material that is not 48351
required by this section or that is not authorized by section 48352
321.45 of the Revised Code or by the tax commissioner. In addition 48353
to the information required by the commissioner, each tax bill 48354
shall contain the following information: 48355

(a) The taxes levied and the taxes charged and payable 48356
against the manufactured or mobile home; 48357

(b) The following notice: "Notice: If the taxes are not paid 48358
within sixty days after the county auditor delivers the delinquent 48359
manufactured home tax list to the county treasurer, you and your 48360
home may be subject to collection proceedings for tax 48361
delinquency." Failure to provide such notice has no effect upon 48362
the validity of any tax judgment to which a home may be subjected. 48363

(c) In the case of manufactured or mobile homes taxed under 48364
division (D)(2) of this section, the following additional 48365
information: 48366

(i) The effective tax rate. The words "effective tax rate" 48367
shall appear in boldface type. 48368

(ii) The following notice: "Notice: If the taxes charged 48369
against this home have been reduced by the 2-1/2 per cent tax 48370

reduction for residences occupied by the owner but the home is not 48371
a residence occupied by the owner, the owner must notify the 48372
county auditor's office not later than March 31 of the year for 48373
which the taxes are due. Failure to do so may result in the owner 48374
being convicted of a fourth degree misdemeanor, which is 48375
punishable by imprisonment up to 30 days, a fine up to \$250, or 48376
both, and in the owner having to repay the amount by which the 48377
taxes were erroneously or illegally reduced, plus any interest 48378
that may apply. 48379

If the taxes charged against this home have not been reduced 48380
by the 2-1/2 per cent tax reduction and the home is a residence 48381
occupied by the owner, the home may qualify for the tax reduction. 48382
To obtain an application for the tax reduction or further 48383
information, the owner may contact the county auditor's office at 48384
..... (insert the address and telephone number of the county 48385
auditor's office)." 48386

(E)(1) A manufactured or mobile home is not subject to this 48387
section when any of the following applies: 48388

(a) It is taxable as personal property pursuant to section 48389
5709.01 of the Revised Code. Any manufactured or mobile home that 48390
is used as a residence shall be subject to this section and shall 48391
not be taxable as personal property pursuant to section 5709.01 of 48392
the Revised Code. 48393

(b) It bears a license plate issued by any state other than 48394
this state unless the home is in this state in excess of an 48395
accumulative period of thirty days in any calendar year. 48396

(c) The annual tax has been paid on the home in this state 48397
for the current year. 48398

(d) The tax commissioner has determined, pursuant to section 48399
5715.27 of the Revised Code, that the property is exempt from 48400
taxation, or would be exempt from taxation under Chapter 5709. of 48401

the Revised Code if it were classified as real property. 48402

(2) A travel trailer or park trailer, as these terms are 48403
defined in section 4501.01 of the Revised Code, is not subject to 48404
this section if it is unused or unoccupied and stored at the 48405
owner's normal place of residence or at a recognized storage 48406
facility. 48407

(3) A travel trailer or park trailer, as these terms are 48408
defined in section 4501.01 of the Revised Code, is subject to this 48409
section and shall be taxed as a manufactured or mobile home if it 48410
has a situs longer than thirty days in one location and is 48411
connected to existing utilities, unless either of the following 48412
applies: 48413

(a) The situs is in a state facility or a camping or park 48414
area as defined in division (B), (G), (H), or (R) of section 48415
3733.01 of the Revised Code; 48416

(b) The situs is in a camping or park area that is a tract of 48417
land that has been limited to recreational use by deed or zoning 48418
restrictions and subdivided for sale of five or more individual 48419
lots for the express or implied purpose of occupancy by either 48420
self-contained recreational vehicles as defined in division (E) of 48421
section 3733.01 of the Revised Code or by dependent recreational 48422
vehicles as defined in division (F) of section 3733.01 of the 48423
Revised Code. 48424

(F) Except as provided in division (D)(3) of this section, 48425
the manufactured home tax is due and payable as follows: 48426

(1) When a manufactured or mobile home has a situs in this 48427
state, as provided in this section, on the first day of January, 48428
one-half of the amount of the tax is due and payable on or before 48429
the first day of March and the balance is due and payable on or 48430
before the thirty-first day of July. At the option of the owner of 48431
the home, the tax for the entire year may be paid in full on the 48432

first day of March. 48433

(2) When a manufactured or mobile home first acquires a situs 48434
in this state after the first day of January, no tax is due and 48435
payable for that year. 48436

(G)(1) If one-half of the current taxes charged under this 48437
section against a manufactured or mobile home, together with the 48438
full amount of any delinquent taxes or any installment thereof 48439
required to be paid under a written undertaking, are not paid on 48440
or before the thirty-first day of January in that year, or on or 48441
before the last day for such payment as extended pursuant to 48442
section 4503.063 of the Revised Code, a penalty of ten per cent 48443
shall be charged against the unpaid balance of such half of the 48444
current taxes. If the total amount of all such taxes is not paid 48445
on or before the thirty-first day of July, next thereafter, or on 48446
or before the last day for such payment as extended pursuant to 48447
section 4503.063 of the Revised Code, a like penalty shall be 48448
charged on the balance of the total amount of such unpaid current 48449
taxes. 48450

(2)(a) On the first day of the month following the last day 48451
the second installment of taxes may be paid without penalty 48452
beginning in 2000, interest shall be charged against and computed 48453
on all delinquent taxes other than the current taxes that became 48454
delinquent taxes at the close of the last day such second 48455
installment could be paid without penalty. The charge shall be for 48456
interest that accrued during the period that began on the 48457
preceding first day of December and ended on the last day of the 48458
month that included the last date such second installment could be 48459
paid without penalty. The interest shall be computed at the rate 48460
per annum prescribed by section 5703.47 of the Revised Code and 48461
shall be entered as a separate item on the delinquent manufactured 48462
home tax list compiled under division (H) of this section. 48463

(b) On the first day of December beginning in 2000, the 48464

interest shall be charged against and computed on all delinquent 48465
taxes. The charge shall be for interest that accrued during the 48466
period that began on the first day of the month following the last 48467
date prescribed for the payment of the second installment of taxes 48468
in the current year and ended on the immediately preceding last 48469
day of November. The interest shall be computed at the rate per 48470
annum prescribed by section 5703.47 of the Revised Code and shall 48471
be entered as a separate item on the delinquent manufactured home 48472
tax list. 48473

(c) After a valid undertaking has been entered into for the 48474
payment of any delinquent taxes, no interest shall be charged 48475
against such delinquent taxes while the undertaking remains in 48476
effect in compliance with section 323.31 of the Revised Code. If a 48477
valid undertaking becomes void, interest shall be charged against 48478
the delinquent taxes for the periods that interest was not 48479
permitted to be charged while the undertaking was in effect. The 48480
interest shall be charged on the day the undertaking becomes void 48481
and shall equal the amount of interest that would have been 48482
charged against the unpaid delinquent taxes outstanding on the 48483
dates on which interest would have been charged thereon under 48484
divisions (G)(1) and (2) of this section had the undertaking not 48485
been in effect. 48486

(3) If the full amount of the taxes due at either of the 48487
times prescribed by division (F) of this section is paid within 48488
ten days after such time, the county treasurer shall waive the 48489
collection of and the county auditor shall remit one-half of the 48490
penalty provided for in this division for failure to make that 48491
payment by the prescribed time. 48492

(4) The treasurer shall compile and deliver to the county 48493
auditor a list of all tax payments the treasurer has received as 48494
provided in division (G)(3) of this section. The list shall 48495
include any information required by the auditor for the remission 48496

of the penalties waived by the treasurer. The taxes so collected 48497
shall be included in the settlement next succeeding the settlement 48498
then in process. 48499

(H)(1) Beginning in 2000, the county auditor shall compile 48500
annually a "delinquent manufactured home tax list" consisting of 48501
homes the county treasurer's records indicate have taxes that were 48502
not paid within the time prescribed by divisions (D)(3) and (F) of 48503
this section, have taxes that remain unpaid from prior years, or 48504
have unpaid tax penalties or interest that have been assessed. 48505

(2) Within thirty days after the settlement under division 48506
(H)(2) of section 321.24 of the Revised Code beginning in 2000, 48507
the county auditor shall deliver a copy of the delinquent 48508
manufactured home tax list to the county treasurer. The auditor 48509
shall update and publish the delinquent manufactured home tax list 48510
annually in the same manner as delinquent real property tax lists 48511
are published. The county auditor shall apportion the cost of 48512
publishing the list among taxing districts in proportion to the 48513
amount of delinquent manufactured home taxes so published that 48514
each taxing district is entitled to receive upon collection of 48515
those taxes. 48516

(3) When taxes, penalties, or interest are charged against a 48517
person on the delinquent manufactured home tax list and are not 48518
paid within sixty days after the list is delivered to the county 48519
treasurer, the county treasurer shall, in addition to any other 48520
remedy provided by law for the collection of taxes, penalties, and 48521
interest, enforce collection of such taxes, penalties, and 48522
interest by civil action in the name of the treasurer against the 48523
owner for the recovery of the unpaid taxes following the 48524
procedures for the recovery of delinquent real property taxes in 48525
sections 323.25 to 323.28 of the Revised Code. The action may be 48526
brought in municipal or county court, provided the amount charged 48527
does not exceed the monetary limitations for original jurisdiction 48528

for civil actions in those courts. 48529

It is sufficient, having made proper parties to the suit, for 48530
the treasurer to allege in the treasurer's bill of particulars or 48531
petition that the taxes stand chargeable on the books of the 48532
county treasurer against such person, that they are due and 48533
unpaid, and that such person is indebted in the amount of taxes 48534
appearing to be due the county. The treasurer need not set forth 48535
any other matter relating thereto. If it is found on the trial of 48536
the action that the person is indebted to the state, judgment 48537
shall be rendered in favor of the treasurer prosecuting the 48538
action. The judgment debtor is not entitled to the benefit of any 48539
law for stay of execution or exemption of property from levy or 48540
sale on execution in the enforcement of the judgment. 48541

(I) The total amount of taxes collected shall be distributed 48542
in the following manner: four per cent shall be allowed as 48543
compensation to the county auditor for the county auditor's 48544
service in assessing the taxes; two per cent shall be allowed as 48545
compensation to the county treasurer for the services the county 48546
treasurer renders as a result of the tax levied by this section. 48547
Such amounts shall be paid into the county treasury, to the credit 48548
of the county general revenue fund, on the warrant of the county 48549
auditor. Fees to be paid to the credit of the real estate 48550
assessment fund shall be collected pursuant to division (B) of 48551
section 319.54 of the Revised Code and paid into the county 48552
treasury, on the warrant of the county auditor. The balance of the 48553
taxes collected shall be distributed among the taxing subdivisions 48554
of the county in which the taxes are collected and paid in the 48555
same ratio as those taxes were collected for the benefit of the 48556
taxing subdivision. The taxes levied and revenues collected under 48557
this section shall be in lieu of any general property tax and any 48558
tax levied with respect to the privilege of using or occupying a 48559
manufactured or mobile home in Ohio except as provided in sections 48560

4503.04 and 5741.02 of the Revised Code. 48561

(J) An agreement to purchase or a bill of sale for a 48562
manufactured home shall show whether or not the furnishings and 48563
equipment are included in the purchase price. 48564

(K) If the county treasurer and the county prosecuting 48565
attorney agree that an item charged on the delinquent manufactured 48566
home tax list is uncollectible, they shall certify that 48567
determination and the reasons to the county board of revision. If 48568
the board determines the amount is uncollectible, it shall certify 48569
its determination to the county auditor, who shall strike the item 48570
from the list. 48571

(L)(1) The county auditor shall appraise at its true value 48572
any manufactured or mobile home in which ownership is transferred 48573
or which first acquires situs in this state on or after January 1, 48574
2000, and any manufactured or mobile home the owner of which has 48575
elected, under division (D)(4) of this section, to have the home 48576
taxed under division (D)(2) of this section. The true value shall 48577
include the value of the home, any additions, and any fixtures, 48578
but not any furnishings in the home. In determining the true value 48579
of a manufactured or mobile home, the auditor shall consider all 48580
facts and circumstances relating to the value of the home, 48581
including its age, its capacity to function as a residence, any 48582
obsolete characteristics, and other factors that may tend to prove 48583
its true value. 48584

(2)(a) If a manufactured or mobile home has been the subject 48585
of an arm's length sale between a willing seller and a willing 48586
buyer within a reasonable length of time prior to the 48587
determination of true value, the auditor shall consider the sale 48588
price of the home to be the true value for taxation purposes. 48589

(b) The sale price in an arm's length transaction between a 48590
willing seller and a willing buyer shall not be considered the 48591

true value of the home if either of the following occurred after 48592
the sale: 48593

(i) The home has lost value due to a casualty; 48594

(ii) An addition or fixture has been added to the home. 48595

(3) The auditor shall have each home viewed and appraised at 48596
least once in each six-year period in the same year in which real 48597
property in the county is appraised pursuant to Chapter 5713. of 48598
the Revised Code, and shall update the appraised values in the 48599
third calendar year following the appraisal. The person viewing or 48600
appraising a home may enter the home to determine by actual view 48601
any additions or fixtures that have been added since the last 48602
appraisal. In conducting the appraisals and establishing the true 48603
value, the auditor shall follow the procedures set forth for 48604
appraising real property in sections 5713.01 and 5713.03 of the 48605
Revised Code. 48606

(4) The auditor shall place the true value of each home on 48607
the manufactured home tax list upon completion of an appraisal. 48608

(5)(a) If the auditor changes the true value of a home, the 48609
auditor shall notify the owner of the home in writing, delivered 48610
by mail or in person. The notice shall be given at least thirty 48611
days prior to the issuance of any tax bill that reflects the 48612
change. Failure to receive the notice does not invalidate any 48613
proceeding under this section. 48614

(b) Any owner of a home or any other person or party listed 48615
in division (A)(1) of section 5715.19 of the Revised Code may file 48616
a complaint against the true value of the home as appraised under 48617
this section. The complaint shall be filed with the county auditor 48618
on or before the thirty-first day of March of the current tax year 48619
or the date of closing of the collection for the first half of 48620
manufactured home taxes for the current tax year, whichever is 48621
later. The auditor shall present to the county board of revision 48622

all complaints filed with the auditor under this section. The 48623
board shall hear and investigate the complaint and may take action 48624
on it as provided under sections 5715.11 to 5715.19 of the Revised 48625
Code. 48626

(c) If the county board of revision determines, pursuant to a 48627
complaint against the valuation of a manufactured or mobile home 48628
filed under this section, that the amount of taxes, assessments, 48629
or other charges paid was in excess of the amount due based on the 48630
valuation as finally determined, then the overpayment shall be 48631
refunded in the manner prescribed in section 5715.22 of the 48632
Revised Code. 48633

(d) Payment of all or part of a tax under this section for 48634
any year for which a complaint is pending before the county board 48635
of revision does not abate the complaint or in any way affect the 48636
hearing and determination thereof. 48637

(M) If the county auditor determines that any tax, 48638
assessment, charge, or any part thereof has been erroneously 48639
charged as a result of a clerical error as defined in section 48640
319.35 of the Revised Code, the county treasurer and the county 48641
board of revision shall remove the erroneous charges on the 48642
manufactured home tax list or delinquent manufactured home tax 48643
list, and refund any erroneous charges that have been collected, 48644
with interest, in the same manner as is prescribed in section 48645
319.36 of the Revised Code for erroneous charges against real 48646
property. 48647

(N) As used in this section and section 4503.061 of the 48648
Revised Code: 48649

(1) "Manufactured home taxes" includes taxes, penalties, and 48650
interest charged under division (C) or (G) of this section and any 48651
penalties charged under division (G) or (H)(5) of section 4503.061 48652
of the Revised Code. 48653

(2) "Current taxes" means all manufactured home taxes charged 48654
against a manufactured or mobile home that have not appeared on 48655
the manufactured home tax list for any prior year. Current taxes 48656
become delinquent taxes if they remain unpaid after the last day 48657
prescribed for payment of the second installment of current taxes 48658
without penalty, whether or not they have been certified 48659
delinquent. 48660

(3) "Delinquent taxes" means: 48661

(a) Any manufactured home taxes that were charged against a 48662
manufactured or mobile home for a prior year, including any 48663
penalties or interest charged for a prior year, and that remain 48664
unpaid; 48665

(b) Any current manufactured home taxes charged against a 48666
manufactured or mobile home that remain unpaid after the last day 48667
prescribed for payment of the second installment of current taxes 48668
without penalty, whether or not they have been certified 48669
delinquent, including any penalties or interest. 48670

Sec. 4503.101. (A) The registrar of motor vehicles shall 48671
adopt rules to establish a system of motor vehicle registration 48672
based upon the type of vehicle to be registered, the type of 48673
ownership of the vehicle, the class of license plate to be issued, 48674
and any other factor the registrar determines to be relevant. 48675
Except for commercial cars, buses, trailers, and semitrailers 48676
taxed under section 4503.042 of the Revised Code; except for 48677
rental vehicles owned by motor vehicle renting dealers; and except 48678
as otherwise provided by rule, motor vehicles owned by an 48679
individual shall be registered based upon the motor vehicle 48680
owner's date of birth. Beginning with the 2004 registration year, 48681
the registrar shall assign motor vehicles to the registration 48682
periods established by rules adopted under this section. 48683

(B) The registrar shall adopt rules to permit motor vehicle owners residing together at one address to select the date of birth of any one of the owners as the date to register any or all of the vehicles at that residence address, as shown in the records of the bureau of motor vehicles.

(C) The registrar shall adopt rules to assign and reassign all commercial cars, ~~buses~~, trailers, and semitrailers taxed under section 4503.042 of the Revised Code and all rental vehicles owned by motor vehicle renting dealers to a system of registration so that the registrations of approximately one-twelfth of all such vehicles expire on the last day of each month of a calendar year. To effect a reassignment from the registration period in effect on ~~the effective date of this amendment~~ June 30, 2003, to the new registration periods established by the rules adopted under this section as amended, the rules may require the motor vehicle to be registered for more or less than a twelve-month period at the time the motor vehicle's registration is subject to its initial renewal following the effective date of such rules. If necessary to effect an efficient transition, the rules may provide that the registration reassignments take place over two consecutive registration periods. The registration taxes to be charged shall be determined by the registrar on the basis of the annual tax otherwise due on the motor vehicle, prorated in accordance with the number of months for which the motor vehicle is registered, except that the fee established by division (C)(1) of section 4503.10 of the Revised Code shall be collected in full for each renewal that occurs during the transition period and shall not be prorated.

(D) The registrar shall adopt rules to permit any commercial motor vehicle owner or motor vehicle renting dealer who owns two or more motor vehicles to request the registrar to permit the owner to separate the owner's fleet into up to four divisions for

assignment to separate dates upon which to register the vehicles, 48716
provided that the registrar may disapprove any such request 48717
whenever the registrar has reason to believe that an uneven 48718
distribution of registrations throughout the calendar year has 48719
developed or is likely to develop. 48720

(E) Every owner or lessee of a motor vehicle holding a 48721
certificate of registration shall notify the registrar of any 48722
change of the owner's or lessee's correct address within ten days 48723
after the change occurs. The notification shall be in writing on a 48724
form provided by the registrar or by electronic means approved by 48725
the registrar and shall include the full name, date of birth if 48726
applicable, license number, county of residence or place of 48727
business, social security account number of an individual or 48728
federal tax identification number of a business, and new address. 48729

(F) As used in this section, "motor vehicle renting dealer" 48730
has the same meaning as in section 4549.65 of the Revised Code. 48731

Sec. 4503.103. (A)(1)(a) The registrar of motor vehicles may 48732
adopt rules to permit any person or lessee, other than a person 48733
receiving an apportioned license plate under the international 48734
registration plan, who owns or leases one or more motor vehicles 48735
to file a written application for registration for no more than 48736
five succeeding registration years. The rules adopted by the 48737
registrar may designate the classes of motor vehicles that are 48738
eligible for such registration. At the time of application, all 48739
annual taxes and fees shall be paid for each year for which the 48740
person is registering. 48741

(b) ~~The (i) Except as provided in division (A)(1)(b)(ii) of~~ 48742
~~this section, the registrar shall adopt rules to permit any~~ 48743
~~person, other than a person receiving an apportioned license plate~~ 48744
~~under the international registration plan and other than the owner~~ 48745
~~of a commercial car used solely in intrastate commerce, who owns a~~ 48746

motor vehicle to file an application for registration for the next 48747
two succeeding registration years. At the time of application, the 48748
person shall pay the annual taxes and fees for each registration 48749
year, calculated in accordance with division (C) of section 48750
4503.11 of the Revised Code. A person who is registering a vehicle 48751
under division (A)(1)(b) of this section shall pay for each year 48752
of registration the additional fee established under division 48753
(C)(1) of section 4503.10 of the Revised Code. The person shall 48754
also pay one and one-half times the amount of the deputy registrar 48755
service fee specified in division (D) of section 4503.10 of the 48756
Revised Code or the bureau of motor vehicles service fee specified 48757
in division (G) of that section, as applicable. 48758

(ii) Division (A)(1)(b)(i) of this section does not apply to 48759
a person receiving an apportioned license plate under the 48760
international registration plan, or the owner of a commercial car 48761
used solely in intrastate commerce, or the owner of a bus as 48762
defined in section 4513.50 of the Revised Code. 48763

(2) No person applying for a multi-year registration under 48764
division (A)(1) of this section is entitled to a refund of any 48765
taxes or fees paid. 48766

(3) The registrar shall not issue to any applicant who has 48767
been issued a final, nonappealable order under division (B) of 48768
this section a multi-year registration or renewal thereof under 48769
this division or rules adopted under it for any motor vehicle that 48770
is required to be inspected under section 3704.14 of the Revised 48771
Code the district of registration of which, as determined under 48772
section 4503.10 of the Revised Code, is or is located in the 48773
county named in the order. 48774

(B) Upon receipt from the director of environmental 48775
protection of a notice issued under division (J) of section 48776
3704.14 of the Revised Code indicating that an owner of a motor 48777
vehicle that is required to be inspected under that section who 48778

obtained a multi-year registration for the vehicle under division 48779
(A) of this section or rules adopted under that division has not 48780
obtained an inspection certificate for the vehicle in accordance 48781
with that section in a year intervening between the years of 48782
issuance and expiration of the multi-year registration in which 48783
the owner is required to have the vehicle inspected and obtain an 48784
inspection certificate for it under division (F)(1)(a) of that 48785
section, the registrar in accordance with Chapter 119. of the 48786
Revised Code shall issue an order to the owner impounding the 48787
certificate of registration and identification license plates for 48788
the vehicle. The order also shall prohibit the owner from 48789
obtaining or renewing a multi-year registration for any vehicle 48790
that is required to be inspected under that section, the district 48791
of registration of which is or is located in the same county as 48792
the county named in the order during the number of years after 48793
expiration of the current multi-year registration that equals the 48794
number of years for which the current multi-year registration was 48795
issued. 48796

An order issued under this division shall require the owner 48797
to surrender to the registrar the certificate of registration and 48798
license plates for the vehicle named in the order within five days 48799
after its issuance. If the owner fails to do so within that time, 48800
the registrar shall certify that fact to the county sheriff or 48801
local police officials who shall recover the certificate of 48802
registration and license plates for the vehicle. 48803

(C) Upon the occurrence of either of the following 48804
circumstances, the registrar in accordance with Chapter 119. of 48805
the Revised Code shall issue to the owner a modified order 48806
rescinding the provisions of the order issued under division (B) 48807
of this section impounding the certificate of registration and 48808
license plates for the vehicle named in that original order: 48809

(1) Receipt from the director of environmental protection of 48810

a subsequent notice under division (J) of section 3704.14 of the Revised Code that the owner has obtained the inspection certificate for the vehicle as required under division (F)(1)(a) of that section;

(2) Presentation to the registrar by the owner of the required inspection certificate for the vehicle.

(D) The owner of a motor vehicle for which the certificate of registration and license plates have been impounded pursuant to an order issued under division (B) of this section, upon issuance of a modified order under division (C) of this section, may apply to the registrar for their return. A fee of two dollars and fifty cents shall be charged for the return of the certificate of registration and license plates for each vehicle named in the application.

Sec. 4505.06. (A)(1) Application for a certificate of title shall be made in a form prescribed by the registrar of motor vehicles and shall be sworn to before a notary public or other officer empowered to administer oaths. The application shall be filed with the clerk of any court of common pleas. An application for a certificate of title may be filed electronically by any electronic means approved by the registrar in any county with the clerk of the court of common pleas of that county. Any payments required by this chapter shall be considered as accompanying any electronically transmitted application when payment actually is received by the clerk. Payment of any fee or taxes may be made by electronic transfer of funds.

(2) The application for a certificate of title shall be accompanied by the fee prescribed in section 4505.09 of the Revised Code. The fee shall be retained by the clerk who issues the certificate of title and shall be distributed in accordance with that section. If a clerk of a court of common pleas, other

than the clerk of the court of common pleas of an applicant's 48842
county of residence, issues a certificate of title to the 48843
applicant, the clerk shall transmit data related to the 48844
transaction to the automated title processing system. 48845

(3) If a certificate of title previously has been issued for 48846
a motor vehicle in this state, the application for a certificate 48847
of title also shall be accompanied by that certificate of title 48848
duly assigned, unless otherwise provided in this chapter. If a 48849
certificate of title previously has not been issued for the motor 48850
vehicle in this state, the application, unless otherwise provided 48851
in this chapter, shall be accompanied by a manufacturer's or 48852
importer's certificate or by a certificate of title of another 48853
state from which the motor vehicle was brought into this state. If 48854
the application refers to a motor vehicle last previously 48855
registered in another state, the application also shall be 48856
accompanied by the physical inspection certificate required by 48857
section 4505.061 of the Revised Code. If the application is made 48858
by two persons regarding a motor vehicle in which they wish to 48859
establish joint ownership with right of survivorship, they may do 48860
so as provided in section 2131.12 of the Revised Code. If the 48861
applicant requests a designation of the motor vehicle in 48862
beneficiary form so that upon the death of the owner of the motor 48863
vehicle, ownership of the motor vehicle will pass to a designated 48864
transfer-on-death beneficiary or beneficiaries, the applicant may 48865
do so as provided in section 2131.13 of the Revised Code. A person 48866
who establishes ownership of a motor vehicle that is transferable 48867
on death in accordance with section 2131.13 of the Revised Code 48868
may terminate that type of ownership or change the designation of 48869
the transfer-on-death beneficiary or beneficiaries by applying for 48870
a certificate of title pursuant to this section. The clerk shall 48871
retain the evidence of title presented by the applicant and on 48872
which the certificate of title is issued, except that, if an 48873
application for a certificate of title is filed electronically by 48874

an electronic motor vehicle dealer on behalf of the purchaser of a 48875
motor vehicle, the clerk shall retain the completed electronic 48876
record to which the dealer converted the certificate of title 48877
application and other required documents. ~~The electronic motor 48878
vehicle dealer shall forward the actual application and all other 48879
documents relating to the sale of the motor vehicle to any clerk 48880
within thirty days after the certificate of title is issued.~~ The 48881
registrar, after consultation with the attorney general, shall 48882
adopt rules that govern the location at which, and the manner in 48883
which, are stored the actual application and all other documents 48884
relating to the sale of a motor vehicle when an electronic motor 48885
vehicle dealer files the application for a certificate of title 48886
electronically on behalf of the purchaser. 48887

The clerk shall use reasonable diligence in ascertaining 48888
whether or not the facts in the application for a certificate of 48889
title are true by checking the application and documents 48890
accompanying it or the electronic record to which a dealer 48891
converted the application and accompanying documents with the 48892
records of motor vehicles in the clerk's office. If the clerk is 48893
satisfied that the applicant is the owner of the motor vehicle and 48894
that the application is in the proper form, the clerk, within five 48895
business days after the application is filed, shall issue a 48896
physical certificate of title over the clerk's signature and 48897
sealed with the clerk's seal unless the applicant specifically 48898
requests the clerk not to issue a physical certificate of title 48899
and instead to issue an electronic certificate of title. For 48900
purposes of the transfer of a certificate of title, if the clerk 48901
is satisfied that the secured party has duly discharged a lien 48902
notation but has not canceled the lien notation with a clerk, the 48903
clerk may cancel the lien notation on the automated title 48904
processing system and notify the clerk of the county of origin. 48905

(4) In the case of the sale of a motor vehicle to a general 48906

buyer or user by a dealer, by a motor vehicle leasing dealer 48907
selling the motor vehicle to the lessee or, in a case in which the 48908
leasing dealer subleased the motor vehicle, the sublessee, at the 48909
end of the lease agreement or sublease agreement, or by a 48910
manufactured home broker, the certificate of title shall be 48911
obtained in the name of the buyer by the dealer, leasing dealer, 48912
or manufactured home broker, as the case may be, upon application 48913
signed by the buyer. The certificate of title shall be issued, or 48914
the process of entering the certificate of title application 48915
information into the automated title processing system if a 48916
physical certificate of title is not to be issued shall be 48917
completed, within five business days after the application for 48918
title is filed with the clerk. If the buyer of the motor vehicle 48919
previously leased the motor vehicle and is buying the motor 48920
vehicle at the end of the lease pursuant to that lease, the 48921
certificate of title shall be obtained in the name of the buyer by 48922
the motor vehicle leasing dealer who previously leased the motor 48923
vehicle to the buyer or by the motor vehicle leasing dealer who 48924
subleased the motor vehicle to the buyer under a sublease 48925
agreement. 48926

In all other cases, except as provided in section 4505.032 48927
and division (D)(2) of section 4505.11 of the Revised Code, such 48928
certificates shall be obtained by the buyer. 48929

(5)(a)(i) If the certificate of title is being obtained in 48930
the name of the buyer by a motor vehicle dealer or motor vehicle 48931
leasing dealer and there is a security interest to be noted on the 48932
certificate of title, the dealer or leasing dealer shall submit 48933
the application for the certificate of title and payment of the 48934
applicable tax to a clerk within seven business days after the 48935
later of the delivery of the motor vehicle to the buyer or the 48936
date the dealer or leasing dealer obtains the manufacturer's or 48937
importer's certificate, or certificate of title issued in the name 48938

of the dealer or leasing dealer, for the motor vehicle. Submission 48939
of the application for the certificate of title and payment of the 48940
applicable tax within the required seven business days may be 48941
indicated by postmark or receipt by a clerk within that period. 48942

(ii) Upon receipt of the certificate of title with the 48943
security interest noted on its face, the dealer or leasing dealer 48944
shall forward the certificate of title to the secured party at the 48945
location noted in the financing documents or otherwise specified 48946
by the secured party. 48947

(iii) A motor vehicle dealer or motor vehicle leasing dealer 48948
is liable to a secured party for a late fee of ten dollars per day 48949
for each certificate of title application and payment of the 48950
applicable tax that is submitted to a clerk more than seven 48951
business days but less than twenty-one days after the later of the 48952
delivery of the motor vehicle to the buyer or the date the dealer 48953
or leasing dealer obtains the manufacturer's or importer's 48954
certificate, or certificate of title issued in the name of the 48955
dealer or leasing dealer, for the motor vehicle and, from then on, 48956
twenty-five dollars per day until the application and applicable 48957
tax are submitted to a clerk. 48958

(b) In all cases of transfer of a motor vehicle, the 48959
application for certificate of title shall be filed within thirty 48960
days after the assignment or delivery of the motor vehicle. If an 48961
application for a certificate of title is not filed within the 48962
period specified in division (A)(5)(b) of this section, the clerk 48963
shall collect a fee of five dollars for the issuance of the 48964
certificate, except that no such fee shall be required from a 48965
motor vehicle salvage dealer, as defined in division (A) of 48966
section 4738.01 of the Revised Code, who immediately surrenders 48967
the certificate of title for cancellation. The fee shall be in 48968
addition to all other fees established by this chapter, and shall 48969
be retained by the clerk. The registrar shall provide, on the 48970

certificate of title form prescribed by section 4505.07 of the 48971
Revised Code, language necessary to give evidence of the date on 48972
which the assignment or delivery of the motor vehicle was made. 48973

(6) As used in division (A) of this section, "lease 48974
agreement," "lessee," and "sublease agreement" have the same 48975
meanings as in section 4505.04 of the Revised Code. 48976

(B) The clerk, except as provided in this section, shall 48977
refuse to accept for filing any application for a certificate of 48978
title and shall refuse to issue a certificate of title unless the 48979
dealer or manufactured home broker or the applicant, in cases in 48980
which the certificate shall be obtained by the buyer, submits with 48981
the application payment of the tax levied by or pursuant to 48982
Chapters 5739. and 5741. of the Revised Code based on the 48983
purchaser's county of residence. Upon payment of the tax in 48984
accordance with division (E) of this section, the clerk shall 48985
issue a receipt prescribed by the registrar and agreed upon by the 48986
tax commissioner showing payment of the tax or a receipt issued by 48987
the commissioner showing the payment of the tax. When submitting 48988
payment of the tax to the clerk, a dealer shall retain any 48989
discount to which the dealer is entitled under section 5739.12 of 48990
the Revised Code. 48991

For receiving and disbursing such taxes paid to the clerk by 48992
a resident of the clerk's county, the clerk may retain a poundage 48993
fee of one and one one-hundredth per cent, and the clerk shall pay 48994
the poundage fee into the certificate of title administration fund 48995
created by section 325.33 of the Revised Code. The clerk shall not 48996
retain a poundage fee from payments of taxes by persons who do not 48997
reside in the clerk's county. 48998

A clerk, however, may retain from the taxes paid to the clerk 48999
an amount equal to the poundage fees associated with certificates 49000
of title issued by other clerks of courts of common pleas to 49001
applicants who reside in the first clerk's county. The registrar, 49002

in consultation with the tax commissioner and the clerks of the 49003
courts of common pleas, shall develop a report from the automated 49004
title processing system that informs each clerk of the amount of 49005
the poundage fees that the clerk is permitted to retain from those 49006
taxes because of certificates of title issued by the clerks of 49007
other counties to applicants who reside in the first clerk's 49008
county. 49009

In the case of casual sales of motor vehicles, as defined in 49010
section 4517.01 of the Revised Code, the price for the purpose of 49011
determining the tax shall be the purchase price on the assigned 49012
certificate of title executed by the seller and filed with the 49013
clerk by the buyer on a form to be prescribed by the registrar, 49014
which shall be prima-facie evidence of the amount for the 49015
determination of the tax. 49016

(C)(1) If the transferor indicates on the certificate of 49017
title that the odometer reflects mileage in excess of the designed 49018
mechanical limit of the odometer, the clerk shall enter the phrase 49019
"exceeds mechanical limits" following the mileage designation. If 49020
the transferor indicates on the certificate of title that the 49021
odometer reading is not the actual mileage, the clerk shall enter 49022
the phrase "nonactual: warning - odometer discrepancy" following 49023
the mileage designation. The clerk shall use reasonable care in 49024
transferring the information supplied by the transferor, but is 49025
not liable for any errors or omissions of the clerk or those of 49026
the clerk's deputies in the performance of the clerk's duties 49027
created by this chapter. 49028

The registrar shall prescribe an affidavit in which the 49029
transferor shall swear to the true selling price and, except as 49030
provided in this division, the true odometer reading of the motor 49031
vehicle. The registrar may prescribe an affidavit in which the 49032
seller and buyer provide information pertaining to the odometer 49033
reading of the motor vehicle in addition to that required by this 49034

section, as such information may be required by the United States 49035
secretary of transportation by rule prescribed under authority of 49036
subchapter IV of the "Motor Vehicle Information and Cost Savings 49037
Act," 86 Stat. 961 (1972), 15 U.S.C. 1981. 49038

(2) Division (C)(1) of this section does not require the 49039
giving of information concerning the odometer and odometer reading 49040
of a motor vehicle when ownership of a motor vehicle is being 49041
transferred as a result of a bequest, under the laws of intestate 49042
succession, to a survivor pursuant to section 2106.18, 2131.12, or 49043
4505.10 of the Revised Code, to a transfer-on-death beneficiary or 49044
beneficiaries pursuant to section 2131.13 of the ~~Revised~~ Revised 49045
Code, or in connection with the creation of a security interest. 49046

(D) When the transfer to the applicant was made in some other 49047
state or in interstate commerce, the clerk, except as provided in 49048
this section, shall refuse to issue any certificate of title 49049
unless the tax imposed by or pursuant to Chapter 5741. of the 49050
Revised Code based on the purchaser's county of residence has been 49051
paid as evidenced by a receipt issued by the tax commissioner, or 49052
unless the applicant submits with the application payment of the 49053
tax. Upon payment of the tax in accordance with division (E) of 49054
this section, the clerk shall issue a receipt prescribed by the 49055
registrar and agreed upon by the tax commissioner, showing payment 49056
of the tax. 49057

For receiving and disbursing such taxes paid to the clerk by 49058
a resident of the clerk's county, the clerk may retain a poundage 49059
fee of one and one one-hundredth per cent. The clerk shall not 49060
retain a poundage fee from payments of taxes by persons who do not 49061
reside in the clerk's county. 49062

A clerk, however, may retain from the taxes paid to the clerk 49063
an amount equal to the poundage fees associated with certificates 49064
of title issued by other clerks of courts of common pleas to 49065
applicants who reside in the first clerk's county. The registrar, 49066

in consultation with the tax commissioner and the clerks of the 49067
courts of common pleas, shall develop a report from the automated 49068
title processing system that informs each clerk of the amount of 49069
the poundage fees that the clerk is permitted to retain from those 49070
taxes because of certificates of title issued by the clerks of 49071
other counties to applicants who reside in the first clerk's 49072
county. 49073

When the vendor is not regularly engaged in the business of 49074
selling motor vehicles, the vendor shall not be required to 49075
purchase a vendor's license or make reports concerning those 49076
sales. 49077

(E) The clerk shall accept any payment of a tax in cash, or 49078
by cashier's check, certified check, draft, money order, or teller 49079
check issued by any insured financial institution payable to the 49080
clerk and submitted with an application for a certificate of title 49081
under division (B) or (D) of this section. The clerk also may 49082
accept payment of the tax by corporate, business, or personal 49083
check, credit card, electronic transfer or wire transfer, debit 49084
card, or any other accepted form of payment made payable to the 49085
clerk. The clerk may require bonds, guarantees, or letters of 49086
credit to ensure the collection of corporate, business, or 49087
personal checks. Any service fee charged by a third party to a 49088
clerk for the use of any form of payment may be paid by the clerk 49089
from the certificate of title administration fund created in 49090
section 325.33 of the Revised Code, or may be assessed by the 49091
clerk upon the applicant as an additional fee. Upon collection, 49092
the additional fees shall be paid by the clerk into that 49093
certificate of title administration fund. 49094

The clerk shall make a good faith effort to collect any 49095
payment of taxes due but not made because the payment was returned 49096
or dishonored, but the clerk is not personally liable for the 49097
payment of uncollected taxes or uncollected fees. The clerk shall 49098

notify the tax commissioner of any such payment of taxes that is 49099
due but not made and shall furnish the information to the 49100
commissioner that the commissioner requires. The clerk shall 49101
deduct the amount of taxes due but not paid from the clerk's 49102
periodic remittance of tax payments, in accordance with procedures 49103
agreed upon by the tax commissioner. The commissioner may collect 49104
taxes due by assessment in the manner provided in section 5739.13 49105
of the Revised Code. 49106

Any person who presents payment that is returned or 49107
dishonored for any reason is liable to the clerk for payment of a 49108
penalty over and above the amount of the taxes due. The clerk 49109
shall determine the amount of the penalty, and the penalty shall 49110
be no greater than that amount necessary to compensate the clerk 49111
for banking charges, legal fees, or other expenses incurred by the 49112
clerk in collecting the returned or dishonored payment. The 49113
remedies and procedures provided in this section are in addition 49114
to any other available civil or criminal remedies. Subsequently 49115
collected penalties, poundage fees, and title fees, less any title 49116
fee due the state, from returned or dishonored payments collected 49117
by the clerk shall be paid into the certificate of title 49118
administration fund. Subsequently collected taxes, less poundage 49119
fees, shall be sent by the clerk to the treasurer of state at the 49120
next scheduled periodic remittance of tax payments, with 49121
information as the commissioner may require. The clerk may abate 49122
all or any part of any penalty assessed under this division. 49123

(F) In the following cases, the clerk shall accept for filing 49124
an application and shall issue a certificate of title without 49125
requiring payment or evidence of payment of the tax: 49126

(1) When the purchaser is this state or any of its political 49127
subdivisions, a church, or an organization whose purchases are 49128
exempted by section 5739.02 of the Revised Code; 49129

(2) When the transaction in this state is not a retail sale 49130

as defined by section 5739.01 of the Revised Code;	49131
(3) When the purchase is outside this state or in interstate commerce and the purpose of the purchaser is not to use, store, or consume within the meaning of section 5741.01 of the Revised Code;	49132 49133 49134
(4) When the purchaser is the federal government;	49135
(5) When the motor vehicle was purchased outside this state for use outside this state;	49136 49137
(6) When the motor vehicle is purchased by a nonresident of this state for immediate removal from this state, and will be permanently titled and registered in another state, as provided by division (B)(23) of section 5739.02 of the Revised Code, and upon presentation of a copy of the affidavit provided by that section, and a copy of the exemption certificate provided by section 5739.03 of the Revised Code.	49138 49139 49140 49141 49142 49143 49144
The clerk shall forward all payments of taxes, less poundage fees, to the treasurer of state in a manner to be prescribed by the tax commissioner and shall furnish information to the commissioner as the commissioner requires.	49145 49146 49147 49148
(G) An application, as prescribed by the registrar and agreed to by the tax commissioner, shall be filled out and sworn to by the buyer of a motor vehicle in a casual sale. The application shall contain the following notice in bold lettering: "WARNING TO TRANSFEROR AND TRANSFEREE (SELLER AND BUYER): You are required by law to state the true selling price. A false statement is in violation of section 2921.13 of the Revised Code and is punishable by six months' imprisonment or a fine of up to one thousand dollars, or both. All transfers are audited by the department of taxation. The seller and buyer must provide any information requested by the department of taxation. The buyer may be assessed any additional tax found to be due."	49149 49150 49151 49152 49153 49154 49155 49156 49157 49158 49159 49160
(H) For sales of manufactured homes or mobile homes occurring	49161

on or after January 1, 2000, the clerk shall accept for filing, 49162
pursuant to Chapter 5739. of the Revised Code, an application for 49163
a certificate of title for a manufactured home or mobile home 49164
without requiring payment of any tax pursuant to section 5739.02, 49165
5741.021, 5741.022, or 5741.023 of the Revised Code, or a receipt 49166
issued by the tax commissioner showing payment of the tax. For 49167
sales of manufactured homes or mobile homes occurring on or after 49168
January 1, 2000, the applicant shall pay to the clerk an 49169
additional fee of five dollars for each certificate of title 49170
issued by the clerk for a manufactured or mobile home pursuant to 49171
division (H) of section 4505.11 of the Revised Code and for each 49172
certificate of title issued upon transfer of ownership of the 49173
home. The clerk shall credit the fee to the county certificate of 49174
title administration fund, and the fee shall be used to pay the 49175
expenses of archiving those certificates pursuant to division (A) 49176
of section 4505.08 and division (H)(3) of section 4505.11 of the 49177
Revised Code. The tax commissioner shall administer any tax on a 49178
manufactured or mobile home pursuant to Chapters 5739. and 5741. 49179
of the Revised Code. 49180

(I) Every clerk shall have the capability to transact by 49181
electronic means all procedures and transactions relating to the 49182
issuance of motor vehicle certificates of title that are described 49183
in the Revised Code as being accomplished by electronic means. 49184

Sec. 4506.14. (A) Commercial driver's licenses shall expire 49185
as follows: 49186

(1) Except as provided in division (A)(3) of this section, 49187
each such license issued to replace an operator's or chauffeur's 49188
license shall expire on the original expiration date of the 49189
operator's or chauffeur's license and, upon renewal, shall expire 49190
on the licensee's birthday in the fourth year after the date of 49191
issuance. 49192

(2) Except as provided in division (A)(3) of this section, 49193
each such license issued as an original license to a person whose 49194
residence is in this state shall expire on the licensee's birthday 49195
in the fourth year after the date of issuance, and each such 49196
license issued to a person whose temporary residence is in this 49197
state shall expire in accordance with rules adopted by the 49198
registrar of motor vehicles. A license issued to a person with a 49199
temporary residence in this state is nonrenewable, but may be 49200
replaced with a new license within ninety days prior to its 49201
expiration upon the applicant's compliance with all applicable 49202
requirements. 49203

(3) Each such license issued to replace the operator's or 49204
chauffeur's license of a person who is less than twenty-one years 49205
of age, and each such license issued as an original license to a 49206
person who is less than twenty-one years of age, shall expire on 49207
the licensee's twenty-first birthday. 49208

(B) No commercial driver's license shall be issued for a 49209
period longer than four years and ninety days. Except as provided 49210
in section 4507.12 of the Revised Code, the registrar may waive 49211
the examination of any person applying for the renewal of a 49212
commercial driver's license issued under this chapter, provided 49213
that the applicant presents either an unexpired commercial 49214
driver's license or a commercial driver's license that has expired 49215
not more than six months prior to the date of application. 49216

(C) Subject to the requirements of this chapter and except as 49217
provided in division (A)(2) of this section in regard to a person 49218
whose temporary residence is in this state, every commercial 49219
driver's license shall be renewable ninety days before its 49220
expiration upon payment of the fees required by section 4506.08 of 49221
the Revised Code. Each person applying for renewal of a commercial 49222
driver's license shall complete the application form prescribed by 49223
section 4506.07 of the Revised Code and shall provide all 49224

certifications required. If the person wishes to retain an 49225
endorsement authorizing the person to transport hazardous 49226
materials, the person shall take and successfully complete the 49227
written test for the endorsement and shall submit to any 49228
background check required by federal law. 49229

(D) Each person licensed as a driver under this chapter shall 49230
notify the registrar of any change in the person's address within 49231
ten days following that change. The notification shall be in 49232
writing on a form provided by the registrar and shall include the 49233
full name, date of birth, license number, county of residence, 49234
social security number, and new address of the person. 49235

Sec. 4506.15. No person shall do any of the following: 49236

(A) Drive a commercial motor vehicle while having a 49237
measurable or detectable amount of alcohol or of a controlled 49238
substance in ~~his~~ the person's blood, breath, or urine; 49239

(B) Drive a commercial motor vehicle while having an alcohol 49240
concentration of four-hundredths of one per cent or more; 49241

(C) Drive a commercial motor vehicle while under the 49242
influence of a controlled substance; 49243

(D) Knowingly leave the scene of an accident involving a 49244
commercial motor vehicle driven by the person; 49245

(E) Use a commercial motor vehicle in the commission of a 49246
felony; 49247

(F) Refuse to submit to a test under section 4506.17 of the 49248
Revised Code; 49249

(G) Violate an out-of-service order issued under this 49250
chapter; 49251

(H) Violate any prohibition described in divisions (B) to (G) 49252
of this section while transporting hazardous materials; 49253

(I) Use a commercial motor vehicle in the commission of a 49254
felony involving the manufacture, distribution, or dispensing of a 49255
controlled substance as defined in section 3719.01 of the Revised 49256
Code; 49257

(J) Drive a commercial motor vehicle in violation of any 49258
provision of sections 4511.61 to 4511.63 of the Revised Code or 49259
any federal or local law or ordinance pertaining to 49260
railroad-highway grade crossings. 49261

Sec. 4506.16. (A) Whoever violates division (A) of section 49262
4506.15 of the Revised Code or a similar law of another state or a 49263
foreign jurisdiction, immediately shall be placed out-of-service 49264
for twenty-four hours, in addition to any disqualification 49265
required by this section and any other penalty imposed by the 49266
Revised Code. 49267

(B) The registrar of motor vehicles shall disqualify any 49268
person from operating a commercial motor vehicle as follows: 49269

(1) Upon a first conviction for a violation of divisions (B) 49270
to (G) of section 4506.15 of the Revised Code or a similar law of 49271
another state or a foreign jurisdiction, one year, ~~in addition to~~ 49272
~~any other penalty imposed by the Revised Code;~~ 49273

~~(2) Upon a first conviction for a violation of division (H)~~ 49274
~~of section 4506.15 of the Revised Code or a similar law of another~~ 49275
~~state or a foreign jurisdiction, three years, in addition to any~~ 49276
~~other penalty imposed by the Revised Code;~~ 49277

~~(3) Upon and upon a second conviction for a violation of~~ 49278
~~divisions (B) to (G) of section 4506.15 of the Revised Code or a~~ 49279
~~similar law of another state or a foreign jurisdiction, or any~~ 49280
~~combination of such violations~~ arising from two or more separate 49281
incidents, the person shall be disqualified for life or for any 49282
other period of time as determined by the United States secretary 49283

of transportation and designated by the director of public safety 49284
by rule, ~~in addition to any other penalty imposed by the Revised~~ 49285
Code; 49286

~~(4)~~(2) Upon a first conviction for a violation of division 49287
(H) of section 4506.15 of the Revised Code or a similar law of 49288
another state or a foreign jurisdiction, three years; 49289

(3) Upon conviction of a violation of division ~~(E)~~(I) of 49290
section 4506.15 of the Revised Code or a similar law of another 49291
state or a foreign jurisdiction ~~in connection with the~~ 49292
~~manufacture, distribution, or dispensing of a controlled substance~~ 49293
~~or the possession with intent to manufacture, distribute, or~~ 49294
~~dispense a controlled substance, the person shall be disqualified~~ 49295
~~for life, in addition to any other penalty imposed by the Revised~~ 49296
Code; 49297

(4) Upon a first conviction for a violation of division (J) 49298
of section 4506.15 of the Revised Code or a similar law of another 49299
state or a foreign jurisdiction, occurring in a three-year period, 49300
the person shall be disqualified for not less than sixty days, 49301
upon a second conviction occurring in the three-year period, the 49302
person shall be disqualified for not less than one hundred twenty 49303
days, and upon a subsequent conviction occurring within a 49304
three-year period, the person shall be disqualified for not less 49305
than one year; 49306

(5) Upon conviction of two serious traffic violations 49307
involving the operation of a commercial motor vehicle by the 49308
person and arising from separate incidents occurring in a 49309
three-year period, the person shall be disqualified for sixty 49310
days, ~~in addition to any other penalty imposed by the Revised~~ 49311
Code; 49312

(6) Upon conviction of three serious traffic violations 49313
involving the operation of a commercial motor vehicle by the 49314

person and arising from separate incidents occurring in a 49315
three-year period, the person shall be disqualified for one 49316
hundred twenty days, ~~in addition to any other penalty imposed by~~ 49317
~~the Revised Code.~~ 49318

(C) For the purposes of this section, conviction of a 49319
violation for which disqualification is required may be evidenced 49320
by any of the following: 49321

(1) A judgment entry of a court of competent jurisdiction in 49322
this or any other state; 49323

(2) An administrative order of a state agency of this or any 49324
other state having statutory jurisdiction over commercial drivers; 49325

(3) A computer record obtained from or through the commercial 49326
driver's license information system; 49327

(4) A computer record obtained from or through a state agency 49328
of this or any other state having statutory jurisdiction over 49329
commercial drivers or the records of commercial drivers. 49330

(D) Any record described in division (C) of this section 49331
shall be deemed to be self-authenticating when it is received by 49332
the bureau of motor vehicles. 49333

(E) When disqualifying a driver, the registrar shall cause 49334
the records of the bureau to be updated to reflect that action 49335
within ten days after it occurs. 49336

(F) The registrar immediately shall notify a driver who is 49337
finally convicted of any offense described in section 4506.15 of 49338
the Revised Code or division (B)~~(3)~~, (4), (5), or (6) of this 49339
section and thereby is subject to disqualification, of the offense 49340
or offenses involved, of the length of time for which 49341
disqualification is to be imposed, and that the driver may request 49342
a hearing within thirty days of the mailing of the notice to show 49343
cause why the driver should not be disqualified from operating a 49344

commercial motor vehicle. If a request for such a hearing is not 49345
made within thirty days of the mailing of the notice, the order of 49346
disqualification is final. The registrar may designate hearing 49347
examiners who, after affording all parties reasonable notice, 49348
shall conduct a hearing to determine whether the disqualification 49349
order is supported by reliable evidence. The registrar shall adopt 49350
rules to implement this division. 49351

(G) Any person who is disqualified from operating a 49352
commercial motor vehicle under this section may apply to the 49353
registrar for a driver's license to operate a motor vehicle other 49354
than a commercial motor vehicle, provided the person's commercial 49355
driver's license is not otherwise suspended or revoked. A person 49356
whose commercial driver's license is suspended or revoked shall 49357
not apply to the registrar for or receive a driver's license under 49358
Chapter 4507. of the Revised Code during the period of suspension 49359
or revocation. 49360

(H) The disqualifications imposed under this section are in 49361
addition to any other penalty imposed by the Revised Code. 49362

Sec. 4506.20. (A) Each employer shall require every applicant 49363
for employment as a driver of a commercial motor vehicle to 49364
provide the information specified in section 4506.20 of the 49365
Revised Code. 49366

(B) No employer shall knowingly permit or authorize any 49367
driver employed by ~~him~~ the employer to drive a commercial motor 49368
vehicle during any period in which any of the following apply: 49369

(1) The driver's commercial driver's license is suspended, 49370
revoked, or canceled by any state or a foreign jurisdiction; 49371

(2) The driver has lost ~~his~~ the privilege to drive, or 49372
currently is disqualified from driving, a commercial motor vehicle 49373
in any state or foreign jurisdiction; 49374

(3) The driver is subject to an out-of-service order in any state or foreign jurisdiction;	49375 49376
(4) The driver has more than one driver's license.	49377
<u>(C) No employer shall knowingly permit or authorize a driver to operate a commercial motor vehicle in violation of section 4506.15 of the Revised Code.</u>	49378 49379 49380
<u>(D) Whoever violates division (C) of this section may be assessed a fine not to exceed ten thousand dollars.</u>	49381 49382
Sec. 4506.24. (A) A restricted commercial driver's license and waiver for farm-related service industries may be issued by the registrar of motor vehicles to allow a person to operate a commercial motor vehicle during seasonal periods determined by the registrar and subject to the restrictions set forth in this section.	49383 49384 49385 49386 49387 49388
(B) Upon receiving an application for a restricted commercial driver's license under section 4506.07 of the Revised Code and payment of a fee as provided in section 4506.08 of the Revised Code, the registrar may issue such license to any person who meets all of the following requirements:	49389 49390 49391 49392 49393
(1) Has at least one year of driving experience in any type of vehicle;	49394 49395
(2) Holds a valid driver's license, other than a restricted license, issued under Chapter 4507. of the Revised Code;	49396 49397
(3) Certifies that during the one-year <u>two-year</u> period immediately preceding application, all of the following apply:	49398 49399
(a) The person has not had more than one license;	49400
(b) The person has not had any license suspended, revoked, or canceled;	49401 49402
(c) The person has not had any convictions for any type of	49403

motor vehicle for the offenses for which disqualification is 49404
prescribed in section 4506.16 of the Revised Code; 49405

(d) The person has not had any violation of a state or local 49406
law relating to motor vehicle traffic control other than a parking 49407
violation arising in connection with any traffic accident and has 49408
no record of an accident in which the person was at fault. 49409

(4) Certifies and also provides evidence that the person is 49410
employed in one or more of the following farm-related service 49411
industries requiring the person to operate a commercial motor 49412
vehicle: 49413

(a) Custom harvesters; 49414

(b) Farm retail outlets and suppliers; 49415

(c) Agri-chemical business; 49416

(d) Livestock feeders. 49417

(C) An annual waiver for farm-related service industries may 49418
be issued to authorize the holder of a restricted commercial 49419
driver's license to operate a commercial motor vehicle during 49420
seasonal periods designated by the registrar. The registrar shall 49421
determine the format of the waiver. The total number of days that 49422
a person may operate a commercial motor vehicle pursuant to a 49423
waiver for farm-related service industries shall not exceed one 49424
hundred eighty days in any twelve-month period. Each time the 49425
holder of a restricted commercial driver's license applies for a 49426
waiver for farm-related service industries, the registrar shall 49427
verify that the person meets all of the requirements set forth in 49428
division (B) of this section. The restricted commercial driver's 49429
license and waiver shall be carried at all times when a commercial 49430
motor vehicle is being operated by the holder of the license and 49431
waiver. 49432

(D) The holder of a restricted commercial driver's license 49433

and valid waiver for farm-related service industries may operate a 49434
class B or C commercial motor vehicle subject to all of the 49435
following restrictions: 49436

(1) The commercial motor vehicle is operated within a 49437
distance of no more than one hundred fifty miles of the employer's 49438
place of business or the farm currently being served; 49439

(2) The operation of the commercial motor vehicle does not 49440
involve transporting hazardous materials for which placarding is 49441
required, except as follows: 49442

(a) Diesel fuel in quantities of one thousand gallons or 49443
less; 49444

(b) Liquid fertilizers in vehicles or implements of husbandry 49445
with total capacities of three thousand gallons or less; 49446

(c) Solid fertilizers that are not transported with any 49447
organic substance. 49448

(E) Except as otherwise provided in this section an applicant 49449
for or holder of a restricted commercial driver's license and 49450
waiver for farm-related service industries is subject to the 49451
provisions of this chapter. Divisions (A)(4) and (B)(1) of section 49452
4506.07 and sections 4506.09 and 4506.10 of the Revised Code do 49453
not apply to an applicant for a restricted commercial driver's 49454
license and waiver. 49455

Sec. 4508.08. There is hereby created in the department of 49456
public safety the motorcycle safety and education program. The 49457
director of public safety shall administer the program in 49458
accordance with the following guidelines: 49459

(A) The program shall include courses of instruction 49460
conducted at vocational schools, community colleges, or other 49461
suitable locations, by instructors who have obtained certification 49462
in the manner and form prescribed by the director. The courses 49463

shall meet standards established in rules adopted by the 49464
~~motorcycle safety foundation for courses of instruction~~ department 49465
~~in motorcycle safety and education~~ accordance with Chapter 119. of 49466
the Revised Code. The courses may include instruction for novice 49467
motorcycle operators, instruction in motorist awareness and 49468
alcohol and drug awareness, and any other kind of instruction the 49469
director considers appropriate. A reasonable tuition fee ~~of not~~ 49470
~~more than twenty five dollars per student, as determined by the~~ 49471
director, may be charged ~~for each course if sufficient funds are~~ 49472
~~not available in.~~ The director may authorize private organizations 49473
or corporations to offer courses without tuition fee restrictions, 49474
but such entities are not eligible for reimbursement of expenses 49475
or subsidies from the motorcycle safety and education fund created 49476
in section 4501.13 of the Revised Code ~~to pay all of the costs of~~ 49477
~~conducting the motorcycle safety and education program.~~ 49478

(B) In addition to courses of instruction, the program may 49479
include provisions for equipment purchases, marketing and 49480
promotion, improving motorcycle license testing procedures, and 49481
any other provisions the director considers appropriate. 49482

(C) The director shall evaluate the program every two years 49483
and shall periodically inspect the facilities, equipment, and 49484
procedures used in the courses of instruction. 49485

(D) The director shall appoint at least one training 49486
specialist who shall oversee the operation of the program, 49487
establish courses of instruction, and supervise instructors. The 49488
training specialist shall be a licensed motorcycle operator and 49489
shall obtain certification in the manner and form prescribed by 49490
the director. 49491

(E) The director may contract with other public agencies or 49492
with private organizations or corporations to assist in 49493
administering the program. 49494

(F) Notwithstanding any provision of Chapter 102. of the Revised Code, the director, in order to administer the program, may participate in a motorcycle manufacturer's motorcycle loan program.

(G) The director shall contract with an insurance company or companies authorized to do business in this state to purchase a policy or policies of insurance with respect to the establishment or administration, or any other aspect of the operation of the program.

Sec. 4509.60. Upon acceptance of a bond with individual sureties, the registrar of motor vehicles shall forward to the county recorder of the county in which the sureties' real estate is located a notice of such deposit and pay the recorder a base fee of five dollars for filing and indexing the notice and a housing trust fund fee of five dollars pursuant to section 317.36 of the Revised Code. The recorder shall receive and file such notice and keep and index the same. Such bond shall constitute a lien in favor of the state upon the real estate so scheduled or any surety, and the lien shall exist in favor of any holder of a final judgment against the person who has filed the bond, for damages, including damages for care and loss of services, because of bodily injury to or death of any person, or for damage because of injury to property, including the loss of use thereof, resulting from the ownership, maintenance, or use of a motor vehicle after such bond was filed, upon the filing of notice to that effect by the registrar with the county recorder as provided in this section.

Sec. 4511.198. If the United States congress repeals the mandate established by Title III, Section 351 of the "Department of Transportation Appropriations Act of 2000," Public Law 106-346,

114 Stat. 1356, requiring the secretary of transportation, 49525
beginning in fiscal year 2004, to withhold a percentage of a 49526
state's federal-aid highway money if that state has not enacted 49527
and is not enforcing a law that provides that any person with a 49528
blood alcohol concentration of eight-hundredths of one per cent or 49529
greater while operating a motor vehicle in the state is deemed to 49530
have committed a per se offense of driving while intoxicated or an 49531
equivalent per se offense, or if a federal court with jurisdiction 49532
over the entirety of this state declares the mandate to be 49533
unconstitutional or otherwise invalid, then, in lieu of the 49534
prohibited alcohol concentrations specified in sections 1547.11, 49535
4511.19, 4511.191, and 4511.197 of the Revised Code, the 49536
prohibited concentrations shall be as follows: 49537

(A) The prohibited alcohol concentration in a person's whole 49538
blood is ten-hundredths of one per cent by weight of alcohol per 49539
unit volume. 49540

(B) The prohibited alcohol concentration in a person's breath 49541
is ten-hundredths of one gram by weight of alcohol per two hundred 49542
ten liters of breath. 49543

(C) The prohibited alcohol concentration in a person's blood 49544
serum or plasma is twelve-hundredths of one per cent by weight per 49545
unit volume. 49546

(D) The prohibited alcohol concentration in a person's urine 49547
is fourteen-hundredths of one gram by weight of alcohol per one 49548
hundred milliliters of urine. 49549

Sec. 4511.33. Whenever any roadway has been divided into two 49550
or more clearly marked lanes for traffic, or wherever within 49551
municipal corporations traffic is lawfully moving in two or more 49552
substantially continuous lines in the same direction, the 49553
following rules apply: 49554

(A) A vehicle or trackless trolley shall be driven, as nearly
as is practicable, entirely within a single lane or line of
traffic and shall not be moved from such lane or line until the
driver has first ascertained that such movement can be made with
safety.

(B) Upon a roadway which is divided into three lanes and
provides for two-way movement of traffic, a vehicle or trackless
trolley shall not be driven in the center lane except when
overtaking and passing another vehicle or trackless trolley where
the roadway is clearly visible and such center lane is clear of
traffic within a safe distance, or when preparing for a left turn,
or where such center lane is at the time allocated exclusively to
traffic moving in the direction the vehicle or trackless trolley
is proceeding and is posted with signs to give notice of such
allocation.

(C) Official signs may be erected directing specified traffic
to use a designated lane or designating those lanes to be used by
traffic moving in a particular direction regardless of the center
of the roadway, or restricting the use of a particular lane to
only buses during certain hours or during all hours, and drivers
of vehicles and trackless trolleys shall obey the directions of
such signs.

(D) Official traffic control devices may be installed
prohibiting the changing of lanes on sections of roadway and
drivers of vehicles shall obey the directions of every such
device.

Sec. 4511.62. (A)(1) Whenever any person driving a vehicle or
trackless trolley approaches a railroad grade crossing, the person
shall stop within fifty feet, but not less than fifteen feet from
the nearest rail of the railroad if any of the following
circumstances exist at the crossing:

(a) A clearly visible electric or mechanical signal device gives warning of the immediate approach of a train.	49586 49587
(b) A crossing gate is lowered.	49588
(c) A flagperson gives or continues to give a signal of the approach or passage of a train.	49589 49590
(d) There is insufficient space on the other side of the railroad grade crossing to accommodate the vehicle or trackless trolley the person is operating without obstructing the passage of other vehicles, trackless trolleys, pedestrians, or railroad trains, notwithstanding any traffic control signal indication to proceed.	49591 49592 49593 49594 49595 49596
(e) An approaching train is emitting an audible signal or is plainly visible and is in hazardous proximity to the crossing.	49597 49598
<u>(f) There is insufficient undercarriage clearance to safely negotiate the crossing.</u>	49599 49600
(2) A person who is driving a vehicle or trackless trolley and who approaches a railroad grade crossing shall not proceed as long as any of the circumstances described in divisions (A)(1)(a) to (e) <u>(f)</u> of this section exist at the crossing.	49601 49602 49603 49604
(B) No person shall drive any vehicle through, around, or under any crossing gate or barrier at a railroad crossing while the gate or barrier is closed or is being opened or closed unless the person is signaled by a law enforcement officer or flagperson that it is permissible to do so.	49605 49606 49607 49608 49609
Sec. 4511.63. (A) The operator of any motor vehicle or trackless trolley, carrying passengers, for hire, of any school bus, any vehicle described in division (C) of this section, or of any vehicle carrying explosives or flammable liquids as a cargo or as such part of a cargo as <u>transporting material required to</u> constitute a hazard <u>be placarded under 49 CFR Parts 100-185,</u>	49610 49611 49612 49613 49614 49615

before crossing at grade any track of a railroad, shall stop the vehicle ~~or trackless trolley~~ and, while so stopped, shall listen through an open door or open window and look in both directions along the track for any approaching train, and for signals indicating the approach of a train, and shall proceed only upon exercising due care after stopping, looking, and listening as required by this section. Upon proceeding, the operator of such a vehicle shall cross only in a gear that will ensure there will be no necessity for changing gears while traversing the crossing and shall not shift gears while crossing the tracks.

(B) This section does not apply at any ~~of the following:~~

~~(1) Street~~ street railway grade crossings within a municipal corporation, or to abandoned tracks, spur tracks, side tracks, and industrial tracks when the public utilities commission has authorized and approved the crossing of the tracks without making the stop required by this section.

~~(2) Through June 30, 1995, a street railway grade crossing where out of service signs are posted in accordance with section 4955.37 of the Revised Code.~~

(C) This section applies to any vehicle used for the transportation of pupils to and from a school or school-related function if the vehicle is owned or operated by, or operated under contract with, a public or nonpublic school.

(D) For purposes of this section, "bus" means any vehicle originally designed by its manufacturer to transport sixteen or more passengers, including the driver, or carries sixteen or more passengers, including the driver.

Sec. 4519.55. Application for a certificate of title for an off-highway motorcycle or all-purpose vehicle shall be made upon a form prescribed by the registrar of motor vehicles and shall be

sworn to before a notary public or other officer empowered to 49646
administer oaths. The application shall be filed with the clerk of 49647
any court of common pleas. An application for a certificate of 49648
title may be filed electronically by any electronic means approved 49649
by the registrar in any county with the clerk of the court of 49650
common pleas of that county. 49651

If an application for a certificate of title is filed 49652
electronically by an electronic dealer on behalf of the purchaser 49653
of an off-highway motorcycle or all-purpose vehicle, the clerk 49654
shall retain the completed electronic record to which the dealer 49655
converted the certificate of title application and other required 49656
documents. ~~The electronic dealer shall forward the actual 49657~~
~~application and all other documents relating to the sale of the 49658~~
~~off-highway motorcycle or all-purpose vehicle to any clerk within 49659~~
~~thirty days after the certificate of title is issued. The 49660~~
registrar, after consultation with the attorney general, shall 49661
adopt rules that govern the location at which, and the manner in 49662
which, are stored the actual application and all other documents 49663
relating to the sale of an off-highway motorcycle or all-purpose 49664
vehicle when an electronic dealer files the application for a 49665
certificate of title electronically on behalf of the purchaser. 49666

The application shall be accompanied by the fee prescribed in 49667
section 4519.59 of the Revised Code. The fee shall be retained by 49668
the clerk who issues the certificate of title and shall be 49669
distributed in accordance with that section. If a clerk of a court 49670
of common pleas, other than the clerk of the court of common pleas 49671
of an applicant's county of residence, issues a certificate of 49672
title to the applicant, the clerk shall transmit data related to 49673
the transaction to the automated title processing system. 49674

If a certificate of title previously has been issued for an 49675
off-highway motorcycle or all-purpose vehicle, the application 49676
also shall be accompanied by the certificate of title duly 49677

assigned, unless otherwise provided in this chapter. If a 49678
certificate of title previously has not been issued for the 49679
off-highway motorcycle or all-purpose vehicle, the application, 49680
unless otherwise provided in this chapter, shall be accompanied by 49681
a manufacturer's or importer's certificate; by a sworn statement 49682
of ownership; or by a certificate of title, bill of sale, or other 49683
evidence of ownership required by law of another state from which 49684
the off-highway motorcycle or all-purpose vehicle was brought into 49685
this state. The registrar, in accordance with Chapter 119. of the 49686
Revised Code, shall prescribe the types of additional 49687
documentation sufficient to establish proof of ownership, 49688
including, but not limited to, receipts from the purchase of parts 49689
or components, photographs, and affidavits of other persons. 49690

For purposes of the transfer of a certificate of title, if 49691
the clerk is satisfied that a secured party has duly discharged a 49692
lien notation but has not canceled the lien notation with a clerk, 49693
the clerk may cancel the lien notation on the automated title 49694
processing system and notify the clerk of the county of origin. 49695

In the case of the sale of an off-highway motorcycle or 49696
all-purpose vehicle by a dealer to a general purchaser or user, 49697
the certificate of title shall be obtained in the name of the 49698
purchaser by the dealer upon application signed by the purchaser. 49699
In all other cases, the certificate shall be obtained by the 49700
purchaser. In all cases of transfer of an off-highway motorcycle 49701
or all-purpose vehicle, the application for certificate of title 49702
shall be filed within thirty days after the later of the date of 49703
purchase or assignment of ownership of the off-highway motorcycle 49704
or all-purpose vehicle. If the application for certificate of 49705
title is not filed within thirty days after the later of the date 49706
of purchase or assignment of ownership of the off-highway 49707
motorcycle or all-purpose vehicle, the clerk shall charge a late 49708
filing fee of five dollars in addition to the fee prescribed by 49709

section 4519.59 of the Revised Code. The clerk shall retain the 49710
entire amount of each late filing fee. 49711

Except in the case of an off-highway motorcycle or 49712
all-purpose vehicle purchased prior to July 1, 1999, the clerk 49713
shall refuse to accept an application for certificate of title 49714
unless the applicant either tenders with the application payment 49715
of all taxes levied by or pursuant to Chapter 5739. or 5741. of 49716
the Revised Code based on the purchaser's county of residence, or 49717
submits either of the following: 49718

(A) A receipt issued by the tax commissioner or a clerk of 49719
courts showing payment of the tax; 49720

(B) An exemption certificate, in any form prescribed by the 49721
tax commissioner, that specifies why the purchase is not subject 49722
to the tax imposed by Chapter 5739. or 5741. of the Revised Code. 49723

Payment of the tax shall be made in accordance with division 49724
(E) of section 4505.06 of the Revised Code and any rules issued by 49725
the tax commissioner. When a dealer submits payment of the tax to 49726
the clerk, the dealer shall retain any discount to which the 49727
dealer is entitled under section 5739.12 of the Revised Code. The 49728
clerk shall issue a receipt in the form prescribed by the tax 49729
commissioner to any applicant who tenders payment of the tax with 49730
the application for a certificate of title. If the application for 49731
a certificate of title is for an off-highway motorcycle or 49732
all-purpose vehicle purchased prior to July 1, 1999, the clerk 49733
shall accept the application without payment of the taxes levied 49734
by or pursuant to Chapter 5739. or 5741. of the Revised Code or 49735
presentation of either of the items listed in division (A) or (B) 49736
of this section. 49737

For receiving and disbursing such taxes paid to the clerk by 49738
a resident of the clerk's county, the clerk may retain a poundage 49739
fee of one and one-hundredth per cent of the taxes collected, 49740

which shall be paid into the certificate of title administration 49741
fund created by section 325.33 of the Revised Code. The clerk 49742
shall not retain a poundage fee from payments of taxes by persons 49743
who do not reside in the clerk's county. 49744

A clerk, however, may retain from the taxes paid to the clerk 49745
an amount equal to the poundage fees associated with certificates 49746
of title issued by other clerks of courts of common pleas to 49747
applicants who reside in the first clerk's county. The registrar, 49748
in consultation with the tax commissioner and the clerks of the 49749
courts of common pleas, shall develop a report from the automated 49750
title processing system that informs each clerk of the amount of 49751
the poundage fees that the clerk is permitted to retain from those 49752
taxes because of certificates of title issued by the clerks of 49753
other counties to applicants who reside in the first clerk's 49754
county. 49755

In the case of casual sales of off-highway motorcycles or 49756
all-purpose vehicles that are subject to the tax imposed by 49757
Chapter 5739. or 5741. of the Revised Code, the purchase price for 49758
the purpose of determining the tax shall be the purchase price on 49759
an affidavit executed and filed with the clerk by the seller on a 49760
form to be prescribed by the registrar, which shall be prima-facie 49761
evidence of the price for the determination of the tax. 49762

In addition to the information required by section 4519.57 of 49763
the Revised Code, each certificate of title shall contain in bold 49764
lettering the following notification and statements: "WARNING TO 49765
TRANSFEROR AND TRANSFEREE (SELLER AND BUYER): You are required by 49766
law to state the true selling price. A false statement is in 49767
violation of section 2921.13 of the Revised Code and is punishable 49768
by six months imprisonment or a fine of up to one thousand 49769
dollars, or both. All transfers are audited by the department of 49770
taxation. The seller and buyer must provide any information 49771
requested by the department of taxation. The buyer may be assessed 49772

any additional tax found to be due." 49773

The clerk shall forward all payments of taxes, less poundage 49774
fees, to the treasurer of state in a manner to be prescribed by 49775
the tax commissioner and shall furnish information to the 49776
commissioner as the commissioner may require. 49777

Every clerk shall have the capability to transact by 49778
electronic means all procedures and transactions relating to the 49779
issuance of certificates of title for off-highway motorcycles and 49780
all-purpose vehicles that are described in the Revised Code as 49781
being accomplished by electronic means. 49782

Sec. 4561.18. Applications for the licensing and registration 49783
of aircraft shall be made and signed by the owner thereof upon 49784
forms prepared by the department of transportation and shall 49785
contain a description of the aircraft, including its federal 49786
registration number, and such other information as is required by 49787
the department. 49788

Applications shall be filed with the director of 49789
transportation during the month of January, annually and shall be 49790
renewed according to the standard renewal procedure of sections 49791
4745.01 to 4745.03 of the Revised Code. Application for 49792
registration of any aircraft not previously registered in this 49793
state, if such aircraft is acquired or becomes subject to such 49794
license tax subsequent to the last day of January in any year, 49795
shall be made for the balance of the year in which the same is 49796
acquired, within forty-eight hours after such acquisition or after 49797
becoming subject to such license tax. Each such application shall 49798
be accompanied by the proper license tax, which shall be at the 49799
~~following rates: For, for~~ aircraft other than gliders, listed by 49800
~~the manufacturer thereof as having a maximum seating capacity of~~ 49801
~~either one or two persons, six dollars annually; three persons,~~ 49802
~~eight dollars annually; four persons, twelve dollars annually;~~ 49803

~~five persons, fifteen dollars annually; over five persons, fifteen
dollars plus five dollars for each person in excess thereof,
annually; and shall be at the annual rate of one hundred dollars
per aircraft. The license tax for gliders, shall be three dollars
annually.~~ 49804
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Such taxes are in lieu of all other taxes on or with respect 49809
to ownership of such aircraft. 49810

Sec. 4561.21. (A) The director of transportation shall 49811
deposit all ~~license taxes and~~ transfer fees in the state treasury 49812
to the credit of the general fund. 49813

(B) The director shall deposit all license taxes in the state 49814
treasury to the credit of the county airport maintenance 49815
assistance fund, which is hereby created. Money in the fund shall 49816
be used to assist counties in maintaining the airports they own, 49817
and the director shall distribute the money to counties in 49818
accordance with such procedures, guidelines, and criteria as the 49819
director shall establish. 49820

Sec. 4707.071. (A) On May 1, 1991, all persons licensed as 49821
auction companies under former section 4707.071 of the Revised 49822
Code shall comply with all provisions of this chapter that are 49823
applicable to auctioneers except as provided in divisions (B) and 49824
(C) of this section. Such persons, however, do not have to serve 49825
an apprenticeship or attend a course of study under section 49826
4707.09 of the Revised Code or submit to an examination under 49827
section 4707.08 of the Revised Code as long as they do not engage 49828
in the calling for, recognition of, and the acceptance of, offers 49829
for the purchase of personal property at auction and do not 49830
conduct auctions at any location other than the definite place of 49831
business required in section 4707.14 of the Revised Code. 49832

(B) The principal owner of each auction company ~~which~~ that is 49833

licensed as of May 1, 1991, who pays the annual renewal fee 49834
specified in division ~~(A)~~(B) of section 4707.10 of the Revised 49835
Code during the first renewal period following May 1, 1991, shall 49836
be issued a special auctioneer's license, for the sale of personal 49837
property subject to division (A) of this section. Each principal 49838
owner shall apply for an annual license. In applying for an annual 49839
license, each person licensed as an auction company on May 1, 49840
1991, shall designate an individual as principal owner by 49841
submitting documentation substantiating that the individual is in 49842
fact the principal owner and shall identify a definite place of 49843
business as required in section 4707.14 of the Revised Code. A 49844
person licensed as an auctioneer shall not be entitled to a 49845
special auctioneer's license. 49846

(C) A special auctioneer's license issued under this section 49847
to the principal owner of a former auction company does not 49848
entitle the principal owner or former auction company to conduct 49849
auctions at any location other than the definite place of business 49850
required in section 4707.14 of the Revised Code. Notwithstanding 49851
section 4707.10 of the Revised Code, the department of agriculture 49852
shall not issue a new special auctioneer's license if the definite 49853
place of business identified by the licensee in the licensee's 49854
initial application for a special auctioneer license has changed 49855
or if the name under which the licensee is doing business has 49856
changed. No person other than an owner, officer, member, or agent 49857
of the former auction company who personally has passed the 49858
examination prescribed in section 4707.08 of the Revised Code and 49859
been licensed as an auctioneer shall engage in the calling for, 49860
recognition of, and the acceptance of, offers for the purchase of 49861
real or personal property, goods, or chattels at auction in 49862
connection with a former auction company that has been issued a 49863
special auctioneer's license. 49864

(D) A person licensed as a special auctioneer shall not 49865

engage in the sale of real property at auction. 49866

Sec. 4707.072. (A) For purposes of this section, the 49867
department of agriculture shall adopt rules in accordance with 49868
section 4707.19 of the Revised Code prescribing the fee that a 49869
license applicant must pay. Until those rules are adopted, a 49870
license applicant shall pay the fee established in this section. 49871

(B) The department of agriculture may grant one-auction 49872
licenses to any nonresident person deemed qualified by the 49873
department. Any person who applies for a one-auction license shall 49874
attest, on forms provided by the department, and furnish to the 49875
department, satisfactory proof that the license applicant or any 49876
auctioneer affiliated with the applicant meets the following 49877
requirements: 49878

(A)(1) Has a good reputation; 49879

(B)(2) Is of trustworthy character; 49880

(C)(3) Has attained the age of at least eighteen years; 49881

(D)(4) Has a general knowledge of the requirements of the 49882
Revised Code relative to auctioneers, the auction profession, and 49883
the principles involved in conducting an auction; 49884

(E)(5) Has two years of professional auctioneering experience 49885
immediately preceding the date of application and the experience 49886
includes the personal conduct by the applicant of at least twelve 49887
auction sales in any state, or has met the requirements of section 49888
4707.12 of the Revised Code; 49889

(F)(6) Has paid a fee of one hundred dollars, ~~which shall be~~ 49890
~~credited to the auctioneers fund;~~ 49891

(G)(7) Has provided proof of financial responsibility ~~as~~ 49892
~~required under section 4707.11 of the Revised Code~~ in the form of 49893
either an irrevocable letter of credit or a cash bond or a surety 49894
bond in the amount of fifty thousand dollars. If the applicant 49895

gives a surety bond, the bond shall be executed by a surety 49896
company authorized to do business in this state. A bond shall be 49897
made to the department and shall be conditioned that the applicant 49898
shall comply with this chapter and rules adopted under it, 49899
including refraining from conduct described in section 4707.15 of 49900
the Revised Code. All bonds shall be on a form approved by the 49901
director of agriculture. 49902

Sec. 4707.10. (A) For purposes of this section, the 49903
department of agriculture shall adopt rules in accordance with 49904
section 4707.19 of the Revised Code prescribing fees that 49905
licensees must pay and license renewal deadlines and procedures 49906
with which licensees must comply. Until those rules are adopted, 49907
licensees shall pay the fees and comply with the license renewal 49908
deadlines and procedures established in this section. 49909

(B) The fee for each auctioneer's, apprentice auctioneer's, 49910
or special auctioneer's license issued by the department of 49911
~~agriculture~~ is one hundred dollars, and the annual renewal fee for 49912
any such license is one hundred dollars. All licenses expire 49913
annually on the last day of June of each year and shall be renewed 49914
according to the standard renewal procedures of Chapter 4745. of 49915
the Revised Code, or the procedures of this section. Any licensee 49916
under this chapter who wishes to renew the licensee's license, but 49917
fails to do so before the first day of July shall reapply for 49918
licensure in the same manner and pursuant to the same requirements 49919
as for initial licensure, unless before the first day of September 49920
of the year of expiration, the former licensee pays to the 49921
department, in addition to the regular renewal fee, a late renewal 49922
penalty of one hundred dollars. 49923

~~(B)~~(C) Any person who fails to renew the person's license 49924
before the first day of July is prohibited from engaging in any 49925
activity specified or comprehended in section 4707.01 of the 49926

Revised Code until such time as the person's license is renewed or 49927
a new license is issued. Renewal of a license between the first 49928
day of July and the first day of September does not relieve any 49929
person from complying with this division. The department may 49930
refuse to renew the license of or issue a new license to any 49931
person who violates this division. 49932

~~(C)~~(D) The department shall prepare and deliver to each 49933
licensee a permanent license certificate and an ~~annual renewal~~ 49934
identification card, the appropriate portion of which shall be 49935
carried on the person of the licensee at all times when engaged in 49936
any type of auction activity, and part of which shall be posted 49937
with the permanent certificate in a conspicuous location at the 49938
licensee's place of business. 49939

~~(D)~~(E) Notice in writing shall be given to the department by 49940
each auctioneer or apprentice auctioneer licensee of any change of 49941
principal business location or any change or addition to the name 49942
or names under which business is conducted, whereupon the 49943
department shall issue a new license for the unexpired period. Any 49944
change of business location or change or addition of names without 49945
notification to the department shall automatically cancel any 49946
license previously issued. For each new auctioneer or apprentice 49947
auctioneer license issued upon the occasion of a change in 49948
business location or a change in or an addition of names under 49949
which business is conducted, the department may collect a fee of 49950
ten dollars for each change in location, or name or each added 49951
name unless the notification of the change occurs concurrently 49952
with the renewal application. 49953

Sec. 4707.24. Except for the purposes of divisions (A) and 49954
(B) of section 4707.25 of the Revised Code, sections 4707.25 to 49955
4707.31 of the Revised Code do not apply with respect to a license 49956
issued under section 4707.072 of the Revised Code. 49957

- Sec. 4709.12. (A) The barber board shall charge and collect 49958
the following fees: 49959
- (1) For the application to take the barber examination, ~~sixty~~ 49960
ninety dollars; 49961
- (2) For an application to retake any part of the barber 49962
examination, ~~thirty~~ forty-five dollars; 49963
- (3) For the initial issuance of a license to practice as a 49964
barber, ~~twenty~~ thirty dollars; 49965
- (4) For the biennial renewal of the license to practice as a 49966
barber, ~~seventy-five~~ one hundred ten dollars; 49967
- (5) For the restoration of an expired barber license, one 49968
hundred dollars, and ~~fifty~~ seventy-five dollars for each lapsed 49969
year, provided that the total fee shall not exceed ~~four~~ six 49970
hundred ~~sixty~~ ninety dollars; 49971
- (6) For the issuance of a duplicate barber or shop license, 49972
~~thirty~~ forty-five dollars; 49973
- (7) For the inspection of a new barber shop, change of 49974
ownership, or reopening of premises or facilities formerly 49975
operated as a barber shop, and issuance of a shop license, 49976
~~seventy-five~~ one hundred ten dollars; 49977
- (8) For the biennial renewal of a barber shop license, ~~fifty~~ 49978
seventy-five dollars; 49979
- (9) For the restoration of a barber shop license, 49980
~~seventy-five~~ one hundred ten dollars; 49981
- (10) For each inspection of premises for location of a new 49982
barber school, or each inspection of premises for relocation of a 49983
currently licensed barber school, ~~five~~ seven hundred fifty 49984
dollars; 49985
- (11) For the initial barber school license, ~~five hundred~~ one 49986

<u>thousand</u> dollars, and five hundred <u>one thousand</u> dollars for the	49987
renewal of the license;	49988
(12) For the restoration of a barber school license, six	49989
hundred <u>one thousand</u> dollars;	49990
(13) For the issuance of a student registration, twenty-five	49991
<u>forty</u> dollars;	49992
(14) For the examination and issuance of a biennial teacher	49993
or assistant teacher license, one hundred twenty-five <u>eighty-five</u>	49994
dollars;	49995
(15) For the renewal of a biennial teacher or assistant	49996
teacher license, one hundred <u>fifty</u> dollars;	49997
(16) For the restoration of an expired teacher or assistant	49998
teacher license, one <u>two</u> hundred fifty <u>twenty-five</u> dollars, and	49999
forty <u>sixty</u> dollars for each lapsed year, provided that the total	50000
fee shall not exceed three <u>four</u> hundred <u>fifty</u> dollars;	50001
(17) For the issuance of a barber license by reciprocity	50002
pursuant to section 4709.08 of the Revised Code, two <u>three</u> hundred	50003
dollars;	50004
(18) For providing licensure information concerning an	50005
applicant, upon written request of the applicant, twenty-five	50006
<u>forty</u> dollars.	50007
(B) The board, subject to the approval of the controlling	50008
board, may establish fees in excess of the amounts provided in	50009
this section, provided that the fees do not exceed the amounts	50010
permitted by this section by more than fifty per cent.	50011
Sec. 4717.07. (A) The board of embalmers and funeral	50012
directors shall charge and collect the following fees:	50013
(1) For the <u>initial</u> issuance <u>or biennial renewal</u> of an	50014
initial embalmer's or funeral director's license, five <u>one hundred</u>	50015

<u>forty</u> dollars;	50016
(2) For the issuance of an embalmer or funeral director registration, twenty-five dollars;	50017 50018
(3) For filing an embalmer or funeral director certificate of apprenticeship, ten dollars;	50019 50020
(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;	50021 50022 50023
(5) For the biennial renewal of an embalmer's or funeral director's license, one hundred twenty dollars;	50024 50025
(6) For the initial issuance of a license to operate a funeral home, one two hundred twenty-five <u>fifty</u> dollars and biennial renewal of a license to operate a funeral home, two hundred fifty dollars;	50026 50027 50028 50029
(7) <u>(6)</u> 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;	50030 50031 50032 50033
(8) <u>(7)</u> For the reinstatement of a lapsed license to operate a funeral home, the renewal fee prescribed in division (A)(6) of this section plus fifty dollars for each month or portion of a month the license is lapsed until reinstatement;	50034 50035 50036 50037
(9) <u>(8)</u> For the initial issuance of a license to operate an embalming facility, one two hundred dollars and biennial renewal of a license to operate an embalming facility, two hundred dollars;	50038 50039 50040 50041
(10) <u>(9)</u> For the reinstatement of a lapsed license to operate an embalming facility, the renewal fee prescribed in division (A)(9) of this section plus fifty dollars for each month or portion of a month the license is lapsed until reinstatement;	50042 50043 50044 50045

~~(11)~~(10) For the initial issuance of a license to operate a crematory facility, ~~one~~ two hundred dollars and biennial renewal of a license to operate a crematory facility, two hundred dollars; 50046
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~~(12)~~(11) For the reinstatement of a lapsed license to operate a crematory facility, the renewal fee prescribed in division (A)(11) of this section plus fifty dollars for each month or portion of a month the license is lapsed until reinstatement; 50049
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~~(13)~~(12) For the issuance of a duplicate of a license issued under this chapter, four dollars. 50053
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(B) In addition to the fees set forth in division (A) of this section, an applicant shall pay the examination fee assessed by any examining agency the board uses for any section of an examination required under this chapter. 50055
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(C) Subject to the approval of the controlling board, the board of embalmers and funeral directors may establish fees in excess of the amounts set forth in this section, provided that these fees do not exceed the amounts set forth in this section by more than fifty per cent. 50059
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Sec. 4717.09. (A) Every two years, licensed embalmers and funeral directors shall attend between twelve and thirty hours of educational programs as a condition for renewal of their licenses. The board of embalmers and funeral directors shall adopt rules governing the administration and enforcement of the continuing education requirements of this section. The board may contract with a professional organization or association or other third party to assist it in performing functions necessary to administer and enforce the continuing education requirements of this section. A professional organization or association or other third party with whom the board so contracts may charge a reasonable fee for performing these functions to licensees or to the persons who 50064
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provide continuing education programs. 50076

(B) A person holding both an embalmer's license and a funeral 50077
director's license need meet only the continuing education 50078
requirements established by the board for one or the other of 50079
those licenses in order to satisfy the requirement of division (A) 50080
of this section. 50081

(C) The board shall not renew the license of a licensee who 50082
fails to meet the continuing education requirements of this 50083
section and who has not been granted a waiver or exemption under 50084
division (D) or (E) of this section. 50085

(D) Any licensee who fails to meet the continuing education 50086
requirements of this section because of undue hardship or 50087
disability, or who is not actively engaged in the practice of 50088
funeral directing or embalming in this state, may apply to the 50089
board for a waiver or an exemption. ~~The~~ 50090

(E) A licensee who has been an embalmer or a funeral director 50091
for not less than fifty years and is not actually in charge of an 50092
embalming facility or a manager or actually in charge of and 50093
ultimately responsible for a funeral home may apply to the board 50094
for an exemption. 50095

(F) The board shall determine, by rule, the procedures for 50096
applying for a waiver or an exemption from continuing education 50097
requirements under this section and under what conditions a waiver 50098
or an exemption may be granted. 50099

Sec. 4719.01. (A) As used in sections 4719.01 to 4719.18 of 50100
the Revised Code: 50101

(1) "Affiliate" means a business entity that is owned by, 50102
operated by, controlled by, or under common control with another 50103
business entity. 50104

(2) "Communication" means a written or oral notification or 50105

advertisement that meets both of the following criteria, as 50106
applicable: 50107

(a) The notification or advertisement is transmitted by or on 50108
behalf of the seller of goods or services and by or through any 50109
printed, audio, video, cinematic, telephonic, or electronic means. 50110

(b) In the case of a notification or advertisement other than 50111
by telephone, either of the following conditions is met: 50112

(i) The notification or advertisement is followed by a 50113
telephone call from a telephone solicitor or salesperson. 50114

(ii) The notification or advertisement invites a response by 50115
telephone, and, during the course of that response, a telephone 50116
solicitor or salesperson attempts to make or makes a sale of goods 50117
or services. As used in division (A)(2)(b)(ii) of this section, 50118
"invites a response by telephone" excludes the mere listing or 50119
inclusion of a telephone number in a notification or 50120
advertisement. 50121

(3) "Gift, award, or prize" means anything of value that is 50122
offered or purportedly offered, or given or purportedly given by 50123
chance, at no cost to the receiver and with no obligation to 50124
purchase goods or services. As used in this division, "chance" 50125
includes a situation in which a person is guaranteed to receive an 50126
item and, at the time of the offer or purported offer, the 50127
telephone solicitor does not identify the specific item that the 50128
person will receive. 50129

(4) "Goods or services" means any real property or any 50130
tangible or intangible personal property, or services of any kind 50131
provided or offered to a person. "Goods or services" includes, but 50132
is not limited to, advertising; labor performed for the benefit of 50133
a person; personal property intended to be attached to or 50134
installed in any real property, regardless of whether it is so 50135
attached or installed; timeshare estates or licenses; and extended 50136

service contracts. 50137

(5) "Purchaser" means a person that is solicited to become or 50138
does become financially obligated as a result of a telephone 50139
solicitation. 50140

(6) "Salesperson" means an individual who is employed, 50141
appointed, or authorized by a telephone solicitor to make 50142
telephone solicitations but does not mean any of the following: 50143

(a) An individual who comes within one of the exemptions in 50144
division (B) of this section; 50145

(b) An individual employed, appointed, or authorized by a 50146
person who comes within one of the exemptions in division (B) of 50147
this section; 50148

(c) An individual under a written contract with a person who 50149
comes within one of the exemptions in division (B) of this 50150
section, if liability for all transactions with purchasers is 50151
assumed by the person so exempted. 50152

(7) "Telephone solicitation" means a communication to a 50153
person that meets both of the following criteria: 50154

(a) The communication is initiated by or on behalf of a 50155
telephone solicitor or by a salesperson. 50156

(b) The communication either represents a price or the 50157
quality or availability of goods or services or is used to induce 50158
the person to purchase goods or services, including, but not 50159
limited to, inducement through the offering of a gift, award, or 50160
prize. 50161

(8) "Telephone solicitor" means a person that engages in 50162
telephone solicitation directly or through one or more 50163
salespersons either from a location in this state, or from a 50164
location outside this state to persons in this state. "Telephone 50165
solicitor" includes, but is not limited to, any such person that 50166

is an owner, operator, officer, or director of, partner in, or 50167
other individual engaged in the management activities of, a 50168
business. 50169

(B) A telephone solicitor is exempt from the provisions of 50170
sections 4719.02 to 4719.18 and section 4719.99 of the Revised 50171
Code if the telephone solicitor is any one of the following: 50172

(1) A person engaging in a telephone solicitation that is a 50173
one-time or infrequent transaction not done in the course of a 50174
pattern of repeated transactions of a like nature; 50175

(2) A person engaged in telephone solicitation solely for 50176
religious or political purposes; a charitable organization, 50177
fund-raising counsel, or professional solicitor in compliance with 50178
the registration and reporting requirements of Chapter 1716. of 50179
the Revised Code; or any person or other entity exempt under 50180
section 1716.03 of the Revised Code from filing a registration 50181
statement under section 1716.02 of the Revised Code; 50182

(3) A person, making a telephone solicitation involving a 50183
home solicitation sale as defined in section 1345.21 of the 50184
Revised Code, that makes the sales presentation and completes the 50185
sale at a later, face-to-face meeting between the seller and the 50186
purchaser rather than during the telephone solicitation. However, 50187
if the person, following the telephone solicitation, causes 50188
another person to collect the payment of any money, this exemption 50189
does not apply. 50190

(4) A licensed securities, commodities, or investment broker, 50191
dealer, investment advisor, or associated person when making a 50192
telephone solicitation within the scope of the person's license. 50193
As used in division (B)(4) of this section, "licensed securities, 50194
commodities, or investment broker, dealer, investment advisor, or 50195
associated person" means a person subject to licensure or 50196
registration as such by the securities and exchange commission; 50197

the National Association of Securities Dealers or other 50198
self-regulatory organization, as defined by 15 U.S.C.A. 78c; by 50199
the division of securities under Chapter 1707. of the Revised 50200
Code; or by an official or agency of any other state of the United 50201
States. 50202

(5)(a) A person primarily engaged in soliciting the sale of a 50203
newspaper of general circulation; 50204

(b) As used in division (B)(5)(a) of this section, "newspaper 50205
of general circulation" includes, but is not limited to, both of 50206
the following: 50207

(i) A newspaper that is a daily law journal designated as an 50208
official publisher of court calendars pursuant to section 2701.09 50209
of the Revised Code; 50210

(ii) A newspaper or publication that has at least twenty-five 50211
per cent editorial, non-advertising content, exclusive of inserts, 50212
measured relative to total publication space, and an audited 50213
circulation to at least fifty per cent of the households in the 50214
newspaper's retail trade zone as defined by the audit. 50215

(6)(a) An issuer, or its subsidiary, that has a class of 50216
securities to which all of the following apply: 50217

(i) The class of securities is subject to section 12 of the 50218
"Securities Exchange Act of 1934," 15 U.S.C.A. 781, and is 50219
registered or is exempt from registration under 15 U.S.C.A. 50220
781(g)(2)(A), (B), (C), (E), (F), (G), or (H); 50221

(ii) The class of securities is listed on the New York stock 50222
exchange, the American stock exchange, or the NASDAQ national 50223
market system; 50224

(iii) The class of securities is a reported security as 50225
defined in 17 C.F.R. 240.11Aa3-1(a)(4). 50226

(b) An issuer, or its subsidiary, that formerly had a class 50227

of securities that met the criteria set forth in division 50228
(B)(6)(a) of this section if the issuer, or its subsidiary, has a 50229
net worth in excess of one hundred million dollars, files or its 50230
parent files with the securities and exchange commission an S.E.C. 50231
form 10-K, and has continued in substantially the same business 50232
since it had a class of securities that met the criteria in 50233
division (B)(6)(a) of this section. As used in division (B)(6)(b) 50234
of this section, "issuer" and "subsidiary" include the successor 50235
to an issuer or subsidiary. 50236

(7) A person soliciting a transaction regulated by the 50237
commodity futures trading commission, if the person is registered 50238
or temporarily registered for that activity with the commission 50239
under 7 U.S.C.A. 1 et. seq. and the registration or temporary 50240
registration has not expired or been suspended or revoked; 50241

(8) A person soliciting the sale of any book, record, audio 50242
tape, compact disc, or video, if the person allows the purchaser 50243
to review the merchandise for at least seven days and provides a 50244
full refund within thirty days to a purchaser who returns the 50245
merchandise or if the person solicits the sale on behalf of a 50246
membership club operating in compliance with regulations adopted 50247
by the federal trade commission in 16 C.F.R. 425; 50248

(9) A supervised financial institution or its subsidiary. As 50249
used in division (B)(9) of this section, "supervised financial 50250
institution" means a bank, trust company, savings and loan 50251
association, savings bank, credit union, industrial loan company, 50252
consumer finance lender, commercial finance lender, or institution 50253
described in section 2(c)(2)(F) of the "Bank Holding Company Act 50254
of 1956," 12 U.S.C.A. 1841(c)(2)(F), as amended, supervised by an 50255
official or agency of the United States, this state, or any other 50256
state of the United States; or a licensee or registrant under 50257
sections 1321.01 to 1321.19, 1321.51 to 1321.60, or 1321.71 to 50258
1321.83 of the Revised Code. 50259

(10)(a) An insurance company, association, or other organization that is licensed or authorized to conduct business in this state by the superintendent of insurance pursuant to Title XXXIX of the Revised Code or Chapter 1751. of the Revised Code, when soliciting within the scope of its license or authorization.

(b) A licensed insurance broker, agent, or solicitor when soliciting within the scope of the person's license. As used in division (B)(10)(b) of this section, "licensed insurance broker, agent, or solicitor" means any person licensed as an insurance broker, agent, or solicitor by the superintendent of insurance pursuant to Title XXXIX of the Revised Code.

(11) A person soliciting the sale of services provided by a cable television system operating under authority of a governmental franchise or permit;

(12) A person soliciting a business-to-business sale under which any of the following conditions are met:

(a) The telephone solicitor has been operating continuously for at least three years under the same business name under which it solicits purchasers, and at least fifty-one per cent of its gross dollar volume of sales consists of repeat sales to existing customers to whom it has made sales under the same business name.

(b) The purchaser business intends to resell the goods purchased.

(c) The purchaser business intends to use the goods or services purchased in a recycling, reuse, manufacturing, or remanufacturing process.

(d) The telephone solicitor is a publisher of a periodical or of magazines distributed as controlled circulation publications as defined in division (CC) of section 5739.01 of the Revised Code and is soliciting sales of advertising, subscriptions, reprints,

lists, information databases, conference participation or 50290
sponsorships, trade shows or media products related to the 50291
periodical or magazine, or other publishing services provided by 50292
the controlled circulation publication. 50293

(13) A person that, not less often than once each year, 50294
publishes and delivers to potential purchasers a catalog that 50295
complies with both of the following: 50296

(a) It includes all of the following: 50297

(i) The business address of the seller; 50298

(ii) A written description or illustration of each good or 50299
service offered for sale; 50300

(iii) A clear and conspicuous disclosure of the sale price of 50301
each good or service; shipping, handling, and other charges; and 50302
return policy; 50303

(b) One of the following applies: 50304

(i) The catalog includes at least twenty-four pages of 50305
written material and illustrations, is distributed in more than 50306
one state, and has an annual postage-paid mail circulation of not 50307
less than two hundred fifty thousand households; 50308

(ii) The catalog includes at least ten pages of written 50309
material or an equivalent amount of material in electronic form on 50310
the internet or an on-line computer service, the person does not 50311
solicit customers by telephone but solely receives telephone calls 50312
made in response to the catalog, and during the calls the person 50313
takes orders but does not engage in further solicitation of the 50314
purchaser. As used in division (B)(13)(b)(ii) of this section, 50315
"further solicitation" does not include providing the purchaser 50316
with information about, or attempting to sell, any other item in 50317
the catalog that prompted the purchaser's call or in a 50318
substantially similar catalog issued by the seller. 50319

- (14) A political subdivision or instrumentality of the United States, this state, or any state of the United States; 50320
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- (15) A college or university or any other public or private institution of higher education in this state; 50322
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- (16) A public utility as defined in section 4905.02 of the Revised Code or a retail natural gas supplier as defined in section 4929.01 of the Revised Code, if the utility or supplier is subject to regulation by the public utilities commission, or the affiliate of the utility or supplier; 50324
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- ~~(17) A travel agency or tour promoter that is registered in compliance with section 1333.96 of the Revised Code when soliciting within the scope of the agency's or promoter's registration;~~ 50329
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- ~~(18)~~ A person that solicits sales through a television program or advertisement that is presented in the same market area no fewer than twenty days per month or offers for sale no fewer than ten distinct items of goods or services; and offers to the purchaser an unconditional right to return any good or service purchased within a period of at least seven days and to receive a full refund within thirty days after the purchaser returns the good or cancels the service; 50333
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- ~~(19)~~(18)(a) A person that, for at least one year, has been operating a retail business under the same name as that used in connection with telephone solicitation and both of the following occur on a continuing basis: 50341
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- (i) The person either displays goods and offers them for retail sale at the person's business premises or offers services for sale and provides them at the person's business premises. 50345
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- (ii) At least fifty-one per cent of the person's gross dollar volume of retail sales involves purchases of goods or services at 50348
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the person's business premises. 50350

(b) An affiliate of a person that meets the requirements in 50351
division (B)~~(19)~~(18)(a) of this section if the affiliate meets all 50352
of the following requirements: 50353

(i) The affiliate has operated a retail business for a period 50354
of less than one year; 50355

(ii) The affiliate either displays goods and offers them for 50356
retail sale at the affiliate's business premises or offers 50357
services for sale and provides them at the affiliate's business 50358
premises; 50359

(iii) At least fifty-one per cent of the affiliate's gross 50360
dollar volume of retail sales involves purchases of goods or 50361
services at the affiliate's business premises. 50362

(c) A person that, for a period of less than one year, has 50363
been operating a retail business in this state under the same name 50364
as that used in connection with telephone solicitation, as long as 50365
all of the following requirements are met: 50366

(i) The person either displays goods and offers them for 50367
retail sale at the person's business premises or offers services 50368
for sale and provides them at the person's business premises; 50369

(ii) The goods or services that are the subject of telephone 50370
solicitation are sold at the person's business premises, and at 50371
least sixty-five per cent of the person's gross dollar volume of 50372
retail sales involves purchases of goods or services at the 50373
person's business premises; 50374

(iii) The person conducts all telephone solicitation 50375
activities according to sections 310.3, 310.4, and 310.5 of the 50376
telemarketing sales rule adopted by the federal trade commission 50377
in 16 C.F.R. part 310. 50378

~~(20)~~(19) A person who performs telephone solicitation sales 50379

services on behalf of other persons and to whom one of the 50380
following applies: 50381

(a) The person has operated under the same ownership, 50382
control, and business name for at least five years, and the person 50383
receives at least seventy-five per cent of its gross revenues from 50384
written telephone solicitation contracts with persons who come 50385
within one of the exemptions in division (B) of this section. 50386

(b) The person is an affiliate of one or more exempt persons 50387
and makes telephone solicitations on behalf of only the exempt 50388
persons of which it is an affiliate. 50389

(c) The person makes telephone solicitations on behalf of 50390
only exempt persons, the person and each exempt person on whose 50391
behalf telephone solicitations are made have entered into a 50392
written contract that specifies the manner in which the telephone 50393
solicitations are to be conducted and that at a minimum requires 50394
compliance with the telemarketing sales rule adopted by the 50395
federal trade commission in 16 C.F.R. part 310, and the person 50396
conducts the telephone solicitations in the manner specified in 50397
the written contract. 50398

(d) The person performs telephone solicitation for religious 50399
or political purposes, a charitable organization, a fund-raising 50400
council, or a professional solicitor in compliance with the 50401
registration and reporting requirements of Chapter 1716. of the 50402
Revised Code; and meets all of the following requirements: 50403

(i) The person has operated under the same ownership, 50404
control, and business name for at least five years, and the person 50405
receives at least fifty-one per cent of its gross revenues from 50406
written telephone solicitation contracts with persons who come 50407
within the exemption in division (B)(2) of this section; 50408

(ii) The person does not conduct a prize promotion or offer 50409
the sale of an investment opportunity; and 50410

(iii) The person conducts all telephone solicitation 50411
activities according to sections 310.3, 310.4, and 310.5 of the 50412
telemarketing sales rules adopted by the federal trade commission 50413
in 16 C.F.R. part 310. 50414

~~(21)~~(20) A person that is a licensed real estate salesperson 50415
or broker under Chapter 4735. of the Revised Code when soliciting 50416
within the scope of the person's license; 50417

~~(22)~~(21)(a) Either of the following: 50418

(i) A publisher that solicits the sale of the publisher's 50419
periodical or magazine of general, paid circulation, or a person 50420
that solicits a sale of that nature on behalf of a publisher under 50421
a written agreement directly between the publisher and the person. 50422

(ii) A publisher that solicits the sale of the publisher's 50423
periodical or magazine of general, paid circulation, or a person 50424
that solicits a sale of that nature as authorized by a publisher 50425
under a written agreement directly with a publisher's 50426
clearinghouse provided the person is a resident of Ohio for more 50427
than three years and initiates all telephone solicitations from 50428
Ohio and the person conducts the solicitation and sale in 50429
compliance with 16 C.F.R. Part 310, as adopted by the federal 50430
trade commission. 50431

(b) As used in division (B)~~(22)~~(21) of this section, 50432
"periodical or magazine of general, paid circulation" excludes a 50433
periodical or magazine circulated only as part of a membership 50434
package or given as a free gift or prize from the publisher or 50435
person. 50436

~~(23)~~(22) A person that solicits the sale of food, as defined 50437
in section 3715.01 of the Revised Code, or the sale of products of 50438
horticulture, as defined in section 5739.01 of the Revised Code, 50439
if the person does not intend the solicitation to result in, or 50440
the solicitation actually does not result in, a sale that costs 50441

the purchaser an amount greater than five hundred dollars. 50442

~~(24)~~(23) A funeral director licensed pursuant to Chapter 50443
4717. of the Revised Code when soliciting within the scope of that 50444
license, if both of the following apply: 50445

(a) The solicitation and sale are conducted in compliance 50446
with 16 C.F.R. part 453, as adopted by the federal trade 50447
commission, and with sections 1107.33 and 1345.21 to 1345.28 of 50448
the Revised Code; 50449

(b) The person provides to the purchaser of any preneed 50450
funeral contract a notice that clearly and conspicuously sets 50451
forth the cancellation rights specified in division (G) of section 50452
1107.33 of the Revised Code, and retains a copy of the notice 50453
signed by the purchaser. 50454

~~(25)~~(24) A person, or affiliate thereof, licensed to sell or 50455
issue Ohio instruments designated as travelers checks pursuant to 50456
sections 1315.01 to 1315.11 of the Revised Code. 50457

~~(26)~~(25) A person that solicits sales from its previous 50458
purchasers and meets all of the following requirements: 50459

(a) The solicitation is made under the same business name 50460
that was previously used to sell goods or services to the 50461
purchaser; 50462

(b) The person has, for a period of not less than three 50463
years, operated a business under the same business name as that 50464
used in connection with telephone solicitation; 50465

(c) The person does not conduct a prize promotion or offer 50466
the sale of an investment opportunity; 50467

(d) The person conducts all telephone solicitation activities 50468
according to sections 310.3, 310.4, and 310.5 of the telemarketing 50469
sales rules adopted by the federal trade commission in 16 C.F.R. 50470
part 310; 50471

(e) Neither the person nor any of its principals has been 50472
convicted of, pleaded guilty to, or has entered a plea of no 50473
contest for a felony or a theft offense as defined in sections 50474
2901.02 and 2913.01 of the Revised Code or similar law of another 50475
state or of the United States; 50476

(f) Neither the person nor any of its principals has had 50477
entered against them an injunction or a final judgment or order, 50478
including an agreed judgment or order, an assurance of voluntary 50479
compliance, or any similar instrument, in any civil or 50480
administrative action involving engaging in a pattern of corrupt 50481
practices, fraud, theft, embezzlement, fraudulent conversion, or 50482
misappropriation of property; the use of any untrue, deceptive, or 50483
misleading representation; or the use of any unfair, unlawful, 50484
deceptive, or unconscionable trade act or practice. 50485

~~(27)~~(26) An institution defined as a home health agency in 50486
section ~~3701.88~~ 3701.881 of the Revised Code, that conducts all 50487
telephone solicitation activities according to sections 310.3, 50488
310.4, and 310.5 of the telemarketing sales rules adopted by the 50489
federal trade commission in 16 C.F.R. part 310, and engages in 50490
telephone solicitation only within the scope of the institution's 50491
certification, accreditation, contract with the department of 50492
aging, or status as a home health agency; and that meets one of 50493
the following requirements: 50494

(a) The institution is certified as a provider of home health 50495
services under Title XVIII of the Social Security Act, 49 Stat. 50496
620, 42 U.S.C. 301, as amended; ~~and is registered with the~~ 50497
~~department of health pursuant to division (B) of section 3701.88~~ 50498
~~of the Revised Code;~~ 50499

(b) The institution is accredited by either the joint 50500
commission on accreditation of health care organizations or the 50501
community health accreditation program; 50502

(c) The institution is providing passport services under the 50503
direction of the Ohio department of aging under section 173.40 of 50504
the Revised Code; 50505

(d) An affiliate of an institution that meets the 50506
requirements of division (B)~~(27)~~(26)(a), (b), or (c) of this 50507
section when offering for sale substantially the same goods and 50508
services as those that are offered by the institution that meets 50509
the requirements of division (B)~~(27)~~(26)(a), (b), or (c) of this 50510
section. 50511

~~(28)~~(27) A person licensed to provide a hospice care program 50512
by the department of health pursuant to section 3712.04 of the 50513
Revised Code when conducting telephone solicitations within the 50514
scope of the person's license and according to sections 310.3, 50515
310.4, and 310.5 of the telemarketing sales rules adopted by the 50516
federal trade commission in 16 C.F.R. part 310. 50517

Sec. 4723.01. As used in this chapter: 50518

(A) "Registered nurse" means an individual who holds a 50519
current, valid license issued under this chapter that authorizes 50520
the practice of nursing as a registered nurse. 50521

(B) "Practice of nursing as a registered nurse" means 50522
providing to individuals and groups nursing care requiring 50523
specialized knowledge, judgment, and skill derived from the 50524
principles of biological, physical, behavioral, social, and 50525
nursing sciences. Such nursing care includes: 50526

(1) Identifying patterns of human responses to actual or 50527
potential health problems amenable to a nursing regimen; 50528

(2) Executing a nursing regimen through the selection, 50529
performance, management, and evaluation of nursing actions; 50530

(3) Assessing health status for the purpose of providing 50531
nursing care; 50532

(4) Providing health counseling and health teaching;	50533
(5) Administering medications, treatments, and executing regimens authorized by an individual who is authorized to practice in this state and is acting within the course of the individual's professional practice;	50534 50535 50536 50537
(6) Teaching, administering, supervising, delegating, and evaluating nursing practice.	50538 50539
(C) "Nursing regimen" may include preventative, restorative, and health-promotion activities.	50540 50541
(D) "Assessing health status" means the collection of data through nursing assessment techniques, which may include interviews, observation, and physical evaluations for the purpose of providing nursing care.	50542 50543 50544 50545
(E) "Licensed practical nurse" means an individual who holds a current, valid license issued under this chapter that authorizes the practice of nursing as a licensed practical nurse.	50546 50547 50548
(F) "The practice of nursing as a licensed practical nurse" means providing to individuals and groups nursing care requiring the application of basic knowledge of the biological, physical, behavioral, social, and nursing sciences at the direction of a licensed physician, dentist, podiatrist, optometrist, chiropractor, or registered nurse. Such nursing care includes:	50549 50550 50551 50552 50553 50554
(1) Observation, patient teaching, and care in a diversity of health care settings;	50555 50556
(2) Contributions to the planning, implementation, and evaluation of nursing;	50557 50558
(3) Administration of medications and treatments authorized by an individual who is authorized to practice in this state and is acting within the course of the individual's professional practice, except that administration of intravenous therapy shall	50559 50560 50561 50562

be performed only in accordance with section 4723.17 or 4723.171 50563
of the Revised Code. Medications may be administered by a licensed 50564
practical nurse upon proof of completion of a course in medication 50565
administration approved by the board of nursing. 50566

(4) Administration to an adult of intravenous therapy 50567
authorized by an individual who is authorized to practice in this 50568
state and is acting within the course of the individual's 50569
professional practice, on the condition that the licensed 50570
practical nurse is authorized under section 4723.17 or 4723.171 of 50571
the Revised Code to perform intravenous therapy and performs 50572
intravenous therapy only in accordance with those sections. 50573

(G) "Certified registered nurse anesthetist" means a 50574
registered nurse who holds a valid certificate of authority issued 50575
under this chapter that authorizes the practice of nursing as a 50576
certified registered nurse anesthetist in accordance with section 50577
4723.43 of the Revised Code and rules adopted by the board of 50578
nursing. 50579

(H) "Clinical nurse specialist" means a registered nurse who 50580
holds a valid certificate of authority issued under this chapter 50581
that authorizes the practice of nursing as a clinical nurse 50582
specialist in accordance with section 4723.43 of the Revised Code 50583
and rules adopted by the board of nursing. 50584

(I) "Certified nurse-midwife" means a registered nurse who 50585
holds a valid certificate of authority issued under this chapter 50586
that authorizes the practice of nursing as a certified 50587
nurse-midwife in accordance with section 4723.43 of the Revised 50588
Code and rules adopted by the board of nursing. 50589

(J) "Certified nurse practitioner" means a registered nurse 50590
who holds a valid certificate of authority issued under this 50591
chapter that authorizes the practice of nursing as a certified 50592
nurse practitioner in accordance with section 4723.43 of the 50593

Revised Code and rules adopted by the board of nursing. 50594

(K) "Physician" means an individual authorized under Chapter 50595
4731. of the Revised Code to practice medicine and surgery or 50596
osteopathic medicine and surgery. 50597

(L) "Collaboration" or "collaborating" means the following: 50598

(1) In the case of a clinical nurse specialist, except as 50599
provided in division (L)(3) of this section, or a certified nurse 50600
practitioner, that one or more podiatrists acting within the scope 50601
of practice of podiatry in accordance with section 4731.51 of the 50602
Revised Code and with whom the nurse has entered into a standard 50603
care arrangement or one or more physicians with whom the nurse has 50604
entered into a standard care arrangement are continuously 50605
available to communicate with the clinical nurse specialist or 50606
certified nurse practitioner either in person or by radio, 50607
telephone, or other form of telecommunication; 50608

(2) In the case of a certified nurse-midwife, that one or 50609
more physicians with whom the certified nurse-midwife has entered 50610
into a standard care arrangement are continuously available to 50611
communicate with the certified nurse-midwife either in person or 50612
by radio, telephone, or other form of telecommunication; 50613

(3) In the case of a clinical nurse specialist who practices 50614
the nursing specialty of mental health or psychiatric mental 50615
health without being authorized to prescribe drugs and therapeutic 50616
devices, that one or more physicians are continuously available to 50617
communicate with the nurse either in person or by radio, 50618
telephone, or other form of telecommunication. 50619

(M) "Supervision," as it pertains to a certified registered 50620
nurse anesthetist, means that the certified registered nurse 50621
anesthetist is under the direction of a podiatrist acting within 50622
the podiatrist's scope of practice in accordance with section 50623
4731.51 of the Revised Code, a dentist acting within the dentist's 50624

scope of practice in accordance with Chapter 4715. of the Revised 50625
Code, or a physician, and, when administering anesthesia, the 50626
certified registered nurse anesthetist is in the immediate 50627
presence of the podiatrist, dentist, or physician. 50628

(N) "Standard care arrangement," except as it pertains to an 50629
advanced practice nurse, means a written, formal guide for 50630
planning and evaluating a patient's health care that is developed 50631
by one or more collaborating physicians or podiatrists and a 50632
clinical nurse specialist, certified nurse-midwife, or certified 50633
nurse practitioner and meets the requirements of section 4723.431 50634
of the Revised Code. 50635

(O) "Advanced practice nurse," until three years and eight 50636
months after May 17, 2000, means a registered nurse who is 50637
approved by the board of nursing under section 4723.55 of the 50638
Revised Code to practice as an advanced practice nurse. 50639

(P) "Dialysis care" means the care and procedures that a 50640
dialysis technician is authorized to provide and perform, as 50641
specified in section 4723.72 of the Revised Code. 50642

(Q) "Dialysis technician" means an individual who holds a 50643
current, valid certificate or temporary certificate issued under 50644
this chapter that authorizes the individual to practice as a 50645
dialysis technician in accordance with section 4723.72 of the 50646
Revised Code. 50647

(R) "Certified community health worker" means an individual 50648
who holds a current, valid certificate as a community health 50649
worker issued by the board of nursing under section 4723.85 of the 50650
Revised Code. 50651

Sec. 4723.06. (A) The board of nursing shall: 50652

(1) Administer and enforce the provisions of this chapter, 50653
including the taking of disciplinary action for violations of 50654

section 4723.28 of the Revised Code, any other provisions of this 50655
chapter, or rules adopted under this chapter; 50656

(2) Develop criteria that an applicant must meet to be 50657
eligible to sit for the examination for licensure to practice as a 50658
registered nurse or as a licensed practical nurse; 50659

(3) Issue and renew nursing licenses ~~and~~, dialysis technician 50660
certificates, and community health worker certificates, as 50661
provided in this chapter; 50662

(4) Define the minimum curricula and standards for 50663
educational programs of the schools of professional nursing and 50664
schools of practical nursing in this state; 50665

(5) Survey, inspect, and grant full approval to prelicensure 50666
nursing education programs that meet the standards established by 50667
rules adopted under section 4723.07 of the Revised Code. 50668
Prelicensure nursing education programs include, but are not 50669
limited to, associate degree, baccalaureate degree, diploma, and 50670
doctor of nursing programs leading to initial licensure to 50671
practice nursing as a registered nurse and practical nurse 50672
programs leading to initial licensure to practice nursing as a 50673
licensed practical nurse. 50674

(6) Grant conditional approval, by a vote of a quorum of the 50675
board, to a new prelicensure nursing education program or a 50676
program that is being reestablished after having ceased to 50677
operate, if the program meets and maintains the minimum standards 50678
of the board established by rules adopted under section 4723.07 of 50679
the Revised Code. If the board does not grant conditional 50680
approval, it shall hold an adjudication under Chapter 119. of the 50681
Revised Code to consider conditional approval of the program. If 50682
the board grants conditional approval, at its first meeting after 50683
the first class has completed the program, the board shall 50684
determine whether to grant full approval to the program. If the 50685

board does not grant full approval or if it appears that the 50686
program has failed to meet and maintain standards established by 50687
rules adopted under section 4723.07 of the Revised Code, the board 50688
shall hold an adjudication under Chapter 119. of the Revised Code 50689
to consider the program. Based on results of the adjudication, the 50690
board may continue or withdraw conditional approval, or grant full 50691
approval. 50692

(7) Place on provisional approval, for a period of time 50693
specified by the board, a program that has ceased to meet and 50694
maintain the minimum standards of the board established by rules 50695
adopted under section 4723.07 of the Revised Code. At the end of 50696
the period, the board shall reconsider whether the program meets 50697
the standards and shall grant full approval if it does. If it does 50698
not, the board may withdraw approval, pursuant to an adjudication 50699
under Chapter 119. of the Revised Code. 50700

(8) Approve continuing nursing education programs and courses 50701
under standards established in rules adopted under section 4723.07 50702
of the Revised Code; 50703

(9) Approve peer support programs, under rules adopted under 50704
section 4723.07 of the Revised Code, for nurses ~~and~~, for dialysis 50705
technicians, and for certified community health workers; 50706

(10) Establish a program for monitoring chemical dependency 50707
in accordance with section 4723.35 of the Revised Code; 50708

(11) Establish the practice intervention and improvement 50709
program in accordance with section 4723.282 of the Revised Code; 50710

(12) Issue and renew certificates of authority to practice 50711
nursing as a certified registered nurse anesthetist, clinical 50712
nurse specialist, certified nurse-midwife, or certified nurse 50713
practitioner; 50714

(13) Approve under section 4723.46 of the Revised Code 50715
national certifying organizations for examination and 50716

certification of certified registered nurse anesthetists, clinical	50717
nurse specialists, certified nurse-midwives, or certified nurse	50718
practitioners;	50719
(14) Issue and renew certificates to prescribe in accordance	50720
with sections 4723.48 and 4723.485 of the Revised Code;	50721
(15) Grant approval to the planned classroom and clinical	50722
study required by section 4723.483 of the Revised Code to be	50723
eligible for a certificate to prescribe;	50724
(16) Make an annual edition of the formulary established in	50725
rules adopted under section 4723.50 of the Revised Code available	50726
to the public either in printed form or by electronic means and,	50727
as soon as possible after any revision of the formulary becomes	50728
effective, make the revision available to the public in printed	50729
form or by electronic means;	50730
(17) Provide guidance and make recommendations to the general	50731
assembly, the governor, state agencies, and the federal government	50732
with respect to the regulation of the practice of nursing and the	50733
enforcement of this chapter;	50734
(18) Make an annual report to the governor, which shall be	50735
open for public inspection;	50736
(19) Maintain and have open for public inspection the	50737
following records:	50738
(a) A record of all its meetings and proceedings;	50739
(b) A file of holders of nursing licenses, registrations, and	50740
certificates granted under this chapter and ; dialysis technician	50741
certificates granted under this chapter; <u>and community health</u>	50742
<u>worker certificates granted under this chapter</u> . The file shall be	50743
maintained in the form prescribed by rule of the board.	50744
(c) A list of prelicensure nursing education programs	50745
approved by the board;	50746

(d) A list of approved peer support programs for nurses and, 50747
dialysis technicians, and certified community health workers. 50748

(B) The board may fulfill the requirement of division (A)(8) 50749
of this section by authorizing persons who meet the standards 50750
established in rules adopted under section 4723.07 of the Revised 50751
Code to approve continuing nursing education programs and courses. 50752
Persons so authorized shall approve continuing nursing education 50753
programs and courses in accordance with standards established in 50754
rules adopted under section 4723.07 of the Revised Code. 50755

Persons seeking authorization to approve continuing nursing 50756
education programs and courses shall apply to the board and pay 50757
the appropriate fee established under section 4723.08 of the 50758
Revised Code. Authorizations to approve continuing nursing 50759
education programs and courses shall expire, and may be renewed 50760
according to the schedule established in rules adopted under 50761
section ~~4732.07~~ 4723.07 of the Revised Code. 50762

In addition to approving continuing nursing education 50763
programs under division (A)(8) of this section, the board may 50764
sponsor continuing education activities that are directly related 50765
to the statutes and rules pertaining to the practice of nursing in 50766
this state. 50767

Sec. 4723.063. (A) As used in this section: 50768

(1) "Health care facility" means: 50769

(a) A hospital registered under section 3701.07 of the 50770
Revised Code; 50771

(b) A nursing home licensed under section 3721.02 of the 50772
Revised Code, or by a political subdivision certified under 50773
section 3721.09 of the Revised Code; 50774

(c) A county home or a county nursing home as defined in 50775
section 5155.31 of the Revised Code that is certified under Title 50776

<u>XVIII or XIX of the "Social Security Act," 49 Stat. 620 (1935), 42</u>	50777
<u>U.S.C. 301, amended;</u>	50778
<u>(d) A freestanding dialysis center;</u>	50779
<u>(e) A freestanding inpatient rehabilitation facility;</u>	50780
<u>(f) An ambulatory surgical facility;</u>	50781
<u>(g) A freestanding cardiac catheterization facility;</u>	50782
<u>(h) A freestanding birthing center;</u>	50783
<u>(i) A freestanding or mobile diagnostic imaging center;</u>	50784
<u>(j) A freestanding radiation therapy center.</u>	50785
<u>(2) "Nurse education program" means a prelicensure nurse</u>	50786
<u>education program approved by the board of nursing under section</u>	50787
<u>4723.06 of the Revised Code or a postlicensure nurse education</u>	50788
<u>program approved by the board of regents under section 3333.04 of</u>	50789
<u>the Revised Code.</u>	50790
<u>(B) The state board of nursing shall establish and administer</u>	50791
<u>the nurse education grant program. Under the program, the board</u>	50792
<u>shall award grants to nurse education programs that have</u>	50793
<u>partnerships with other education programs, community health</u>	50794
<u>agencies, or health care facilities. Grant recipients shall use</u>	50795
<u>the money to fund partnerships to increase the nurse education</u>	50796
<u>program's enrollment capacity. Methods of increasing a program's</u>	50797
<u>enrollment capacity may include hiring faculty and preceptors,</u>	50798
<u>purchasing educational equipment and materials, and other actions</u>	50799
<u>acceptable to the board. Grant money shall not be used to</u>	50800
<u>construct or renovate buildings. Partnerships may be developed</u>	50801
<u>between one or more nurse education programs and one or more</u>	50802
<u>health care facilities.</u>	50803
<u>In awarding grants, the board shall give preference to</u>	50804
<u>partnerships between nurse education programs and hospitals,</u>	50805
<u>nursing homes, and county homes or county nursing homes, but may</u>	50806

also award grants to fund partnerships between nurse education programs and other health care facilities. 50807
50808

(C) The board shall adopt rules in accordance with Chapter 119. of the Revised Code establishing the following: 50809
50810

(1) Eligibility requirements for receipt of a grant; 50811

(2) Grant application forms and procedures; 50812

(3) The amounts in which grants may be made and the total amount that may be awarded to a nurse education program that has a partnership with other education programs, a community health agency, or a health care facility; 50813
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(4) A method whereby the board may evaluate the effectiveness of a partnership between joint recipients in increasing the nurse education program's enrollment capacity; 50817
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(5) The percentage of the money in the fund that must remain in the fund at all times to maintain a fiscally responsible fund balance; 50820
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(6) The percentage of available grants to be awarded to licensed practical nurse education programs, registered nurse education programs, and graduate programs; 50823
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(7) Any other matters incidental to the operation of the program. 50826
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(D) From January 1, 2004, until December 31, 2013, the ten dollars of each biennial nursing license renewal fee collected under section 4723.08 of the Revised Code shall be dedicated to the nurse education grant program fund, which is hereby created in the state treasury. The board shall use money in the fund for grants awarded under division (A) of this section and for expenses of administering the grant program. The amount used for administrative expenses in any year shall not exceed ten per cent of the amount transferred to the fund in that year. 50828
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(E) Each quarter, for the purposes of transferring funds to the nurse education grant program, the board of nursing shall certify to the director of budget and management the number of biennial licenses renewed under this chapter during the preceding quarter and the amount equal to that number times ten dollars.

(F) Notwithstanding the requirements of section 4743.05 of the Revised Code, from January 1, 2004, until December 31, 2013, at the end of each quarter, the director of budget and management shall transfer from the occupational licensing and regulatory fund to the nurse education grant program fund the amount certified under division (E) of this section.

Sec. 4723.07. In accordance with Chapter 119. of the Revised Code, the board of nursing shall adopt and may amend and rescind rules that establish all of the following:

(A) Provisions for the board's government and control of its actions and business affairs;

(B) Minimum curricula and standards for nursing education programs that prepare graduates to be licensed under this chapter and procedures for granting, renewing, and withdrawing approval of those programs;

(C) Criteria that applicants for licensure must meet to be eligible to take examinations for licensure;

(D) Standards and procedures for renewal of the licenses and certificates issued by the board;

(E) Standards for approval of continuing nursing education programs and courses for registered nurses, licensed practical nurses, certified registered nurse anesthetists, clinical nurse specialists, certified nurse-midwives, and certified nurse practitioners. The standards may provide for approval of continuing nursing education programs and courses that have been

approved by other state boards of nursing or by national 50867
accreditation systems for nursing, including, but not limited to, 50868
the American nurses' credentialing center and the national 50869
association for practical nurse education and service. 50870

(F) Standards that persons must meet to be authorized by the 50871
board to approve continuing nursing education programs and courses 50872
and a schedule by which that authorization expires and may be 50873
renewed; 50874

(G) Requirements, including continuing education 50875
requirements, for restoring inactive nursing licenses ~~and,~~ 50876
dialysis technician certificates, and community health worker 50877
certificates, and for restoring nursing licenses and, dialysis 50878
technician certificates, and community health worker certificates 50879
that have lapsed through failure to renew; 50880

(H) Conditions that may be imposed for reinstatement of a 50881
nursing license ~~or,~~ dialysis technician certificate, or community 50882
health worker certificate following action taken under ~~sections~~ 50883
section 3123.47, 4723.28, ~~and~~ 4723.281, or 4723.86 of the Revised 50884
Code resulting in a license or certificate suspension ~~from~~ 50885
practice; 50886

(I) Standards for approval of peer support programs for 50887
persons who hold a nursing license ~~or,~~ dialysis technician 50888
certificate, or community health worker certificate; 50889

(J) Requirements for board approval of courses in medication 50890
administration by licensed practical nurses; 50891

(K) Criteria for evaluating the qualifications of an 50892
applicant for a license to practice nursing as a registered nurse 50893
or licensed practical nurse, a certificate of authority issued 50894
under division (E) of section 4723.41 of the Revised Code, ~~or~~ a 50895
dialysis technician certificate, or a community health worker 50896
certificate by the board's endorsement of the applicant's 50897

authority to practice issued by the licensing agency of another	50898
state;	50899
(L) Universal blood and body fluid precautions that shall be	50900
used by each person holding a nursing license or dialysis	50901
technician certificate issued under this chapter who performs	50902
exposure-prone invasive procedures. The rules shall define and	50903
establish requirements for universal blood and body fluid	50904
precautions that include the following:	50905
(1) Appropriate use of hand washing;	50906
(2) Disinfection and sterilization of equipment;	50907
(3) Handling and disposal of needles and other sharp	50908
instruments;	50909
(4) Wearing and disposal of gloves and other protective	50910
garments and devices.	50911
(M) Standards and procedures for approving certificates of	50912
authority to practice nursing as a certified registered nurse	50913
anesthetist, clinical nurse specialist, certified nurse-midwife,	50914
or certified nurse practitioner, and for renewal of those	50915
certificates;	50916
(N) Quality assurance standards for certified registered	50917
nurse anesthetists, clinical nurse specialists, certified	50918
nurse-midwives, or certified nurse practitioners;	50919
(O) Additional criteria for the standard care arrangement	50920
required by section 4723.431 of the Revised Code entered into by a	50921
clinical nurse specialist, certified nurse-midwife, or certified	50922
nurse practitioner and the nurse's collaborating physician or	50923
podiatrist;	50924
(P) Continuing education standards for clinical nurse	50925
specialists who are exempt under division (C) of section 4723.41	50926
of the Revised Code from the requirement of having passed a	50927

certification examination;	50928
(Q) For purposes of division (B)(31) of section 4723.28 of the Revised Code, the actions, omissions, or other circumstances that constitute failure to establish and maintain professional boundaries with a patient.	50929 50930 50931 50932
The board may adopt other rules necessary to carry out the provisions of this chapter. The rules shall be adopted in accordance with Chapter 119. of the Revised Code.	50933 50934 50935
Sec. 4723.08. (A) The board of nursing may impose fees not to exceed the following limits:	50936 50937
(1) For application for licensure by examination to practice nursing as a registered nurse or as a licensed practical nurse, fifty <u>seventy-five</u> dollars;	50938 50939 50940
(2) For application for licensure by endorsement to practice nursing as a registered nurse or as a licensed practical nurse, fifty <u>seventy-five</u> dollars;	50941 50942 50943
(3) For application for a certificate of authority to practice nursing as a certified registered nurse anesthetist, clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner, one hundred dollars;	50944 50945 50946 50947
(4) For application for a temporary dialysis technician certificate, the amount specified in rules adopted under section 4723.79 of the Revised Code;	50948 50949 50950
(5) For application for a full dialysis technician certificate, the amount specified in rules adopted under section 4723.79 of the Revised Code;	50951 50952 50953
(6) For application for a certificate to prescribe, fifty dollars;	50954 50955
(7) For verification of a nursing license, certificate of	50956

authority, or dialysis technician certificate to another jurisdiction, fifteen dollars; 50957
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(8) For providing a replacement copy of a nursing license, certificate of authority, ~~or certificate to prescribe~~, dialysis technician certificate, ~~fifteen intravenous therapy card, or frameable certificate, twenty-five~~ dollars; 50959
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(9) For biennial renewal of a nursing license that expires on or ~~before~~ after August 31, 2003, ~~thirty-five but before January 1, 2004, forty-five~~ dollars; 50963
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(10) For biennial renewal of a nursing license that expires on or after ~~September 1, 2003, forty-five~~ January 1, 2004, sixty-five dollars; 50966
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(11) For biennial renewal of a certificate of authority to practice nursing as a certified registered nurse anesthetist, clinical nurse specialist, certified nurse mid-wife, or certified nurse practitioner that expires on or before August 31, 2005, one hundred dollars; 50969
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(12) For biennial renewal of a certificate of authority to practice nursing as a certified registered nurse anesthetist, clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner that expires on or after September 1, 2005, eighty-five dollars; 50974
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(13) For renewal of a certificate to prescribe, fifty dollars; 50979
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(14) For biennial renewal of a dialysis technician certificate, the amount specified in rules adopted under section 4723.79 of the Revised Code; 50981
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(15) For processing a late application for renewal of a nursing license, certificate of authority, or dialysis technician certificate, fifty dollars; 50984
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50986

(16) For application for authorization to approve continuing nursing education programs and courses from an applicant accredited by a national accreditation system for nursing, five hundred dollars;	50987 50988 50989 50990
(17) For application for authorization to approve continuing nursing education programs and courses from an applicant not accredited by a national accreditation system for nursing, one thousand dollars;	50991 50992 50993 50994
(18) For each year for which authorization to approve continuing nursing education programs and courses is renewed, one hundred fifty dollars;	50995 50996 50997
(19) For application for approval to operate a dialysis training program, the amount specified in rules adopted under section 4723.79 of the Revised Code;	50998 50999 51000
(20) For reinstatement of a lapsed nursing license, certificate of authority, or dialysis technician certificate, one hundred dollars;	51001 51002 51003
(21) For written verification of a nursing license, certificate of authority, or dialysis technician certificate, <u>when the verification is performed for purposes other than providing verification to another jurisdiction, five dollars.</u> The board may contract for services pertaining to this verification process and the collection of the fee, and may permit the contractor to retain a portion of the fees as compensation, before any amounts are deposited into the state treasury.;	51004 51005 51006 51007 51008 51009 51010 51011
(22) For processing a check returned to the board by a financial institution as noncollectible, twenty-five dollars;	51012 51013
<u>(23) For issuance of an intravenous therapy card for which a fee may be charged under section 4723.17 of the Revised Code, twenty-five dollars;</u>	51014 51015 51016

(24) For out-of-state survey visits of nursing education 51017
programs operating in Ohio, two thousand dollars; 51018

(25) The amounts specified in rules adopted under section 51019
4723.88 of the Revised Code pertaining to the issuance of 51020
certificates to community health workers, including fees for 51021
application for a certificate, verification of a certificate to 51022
another jurisdiction, written verification of a certificate when 51023
the verification is performed for purposes other than verification 51024
to another jurisdiction, providing a replacement copy of a 51025
certificate, biennial renewal of a certificate, processing a late 51026
application for renewal of a certificate, reinstatement of a 51027
lapsed certificate, application for approval of a community health 51028
worker training program for community health workers, and biennial 51029
renewal of the approval of a training program for community health 51030
workers. 51031

(B) Each quarter, for purposes of transferring funds under 51032
section 4743.05 of the Revised Code to the nurse education 51033
assistance fund created in section 3333.28 of the Revised Code, 51034
the board of nursing shall certify to the director of budget and 51035
management the number of biennial licenses renewed under this 51036
chapter during the preceding quarter and the amount equal to that 51037
number times five dollars. 51038

(C) The board may charge a participant in a board-sponsored 51039
continuing education activity an amount not exceeding fifteen 51040
dollars for each activity. 51041

(D) The board may contract for services pertaining to the 51042
process of providing written verification of a nursing license, 51043
certificate of authority, dialysis technician certificate, or 51044
community health worker certificate when the verification is 51045
performed for purposes other than providing verification to 51046
another jurisdiction. The contract may include provisions 51047

pertaining to the collection of the fee charged for providing the 51048
written verification. As part of these provisions, the board may 51049
permit the contractor to retain a portion of the fees as 51050
compensation, before any amounts are deposited into the state 51051
treasury. 51052

Sec. 4723.082. ~~All~~ (A) Except as provided in section 4723.062 51053
of the Revised Code and division (B) of this section, all receipts 51054
of the board of nursing, from any source, shall be deposited in 51055
the state treasury to the credit of the occupational licensing and 51056
regulatory fund. ~~All~~ 51057

(B) All receipts from board-sponsored continuing education 51058
activities shall be deposited in the state treasury to the credit 51059
of the special nursing issue fund created by section 4723.062 of 51060
the Revised Code. 51061

(C) All vouchers of the board shall be approved by the board 51062
president or executive director, or both, as authorized by the 51063
board. 51064

Sec. 4723.17. (A) The board of nursing may authorize a 51065
licensed practical nurse to administer to an adult intravenous 51066
therapy authorized by an individual who is authorized to practice 51067
in this state and is acting within the course of the individual's 51068
professional practice, if ~~all of the following are true of the~~ 51069
licensed practical nurse+ 51070

~~(1) The nurse~~ has a current, valid license issued under this 51071
chapter that includes authorization to administer medications and 51072
one of the following is the case: 51073

(1) The nurse has successfully completed, within a practical 51074
nurse prelicensure education program approved by the board or by 51075
another jurisdiction's agency that regulates the practice of 51076
nursing, a course of study that prepares the nurse to safely 51077

perform the intravenous therapy procedures the board may authorize 51078
under this section. To meet this requirement, the course of study 51079
must include all of the following: 51080

(a) Both didactic and clinical components; 51081

(b) Curriculum requirements established in rules the board of 51082
nursing shall adopt in accordance with Chapter 119. of the Revised 51083
Code; 51084

(c) Standards that require the nurse to perform a successful 51085
demonstration of the intravenous procedures, including all skills 51086
needed to perform them safely. 51087

(2) The nurse has successfully completed a ~~course in~~ 51088
~~intravenous administration approved by the board that includes~~ 51089
~~both of the following:~~ 51090

~~(a)~~ A minimum of forty hours of training that includes all of 51091
the following: 51092

~~(i)~~(a) The curriculum established by rules adopted by the 51093
board and in effect on January 1, 1999; 51094

~~(ii)~~(b) Training in the anatomy and physiology of the 51095
cardiovascular system, signs and symptoms of local and systemic 51096
complications in the administration of fluids and antibiotic 51097
additives, and guidelines for management of these complications; 51098

~~(iii)~~(c) Any other training or instruction the board 51099
considers appropriate. 51100

~~(b)~~(d) A testing component that ~~includes the successful~~ 51101
~~performance of three venipunctures supervised by a physician or~~ 51102
~~registered nurse in a health care setting~~ requires the nurse to 51103
perform a successful demonstration of the intravenous procedures, 51104
including all skills needed to perform them safely. 51105

(B) Except as provided in section 4723.171 of the Revised 51106
Code, a licensed practical nurse may perform intravenous therapy 51107

only if authorized by the board pursuant to division (A) of this 51108
section and only if it is performed in accordance with this 51109
section. 51110

A licensed practical nurse authorized by the board to perform 51111
intravenous therapy may perform an intravenous therapy procedure 51112
only at the direction of one of the following: 51113

(1) A licensed physician, dentist, optometrist, or podiatrist 51114
who, except as provided in division (C)(2) of this section, is 51115
present and readily available at the facility where the 51116
intravenous therapy procedure is performed; 51117

(2) A registered nurse in accordance with division (C) of 51118
this section. 51119

(C)(1) Except as provided in division (C)(2) of this section 51120
and section 4723.171 of the Revised Code, when a licensed 51121
practical nurse authorized by the board to perform intravenous 51122
therapy performs an intravenous therapy procedure at the direction 51123
of a registered nurse, the registered nurse or another registered 51124
nurse shall be readily available at the site where the intravenous 51125
therapy is performed, and before the licensed practical nurse 51126
initiates the intravenous therapy, the registered nurse shall 51127
personally perform an on-site assessment of the individual who is 51128
to receive the intravenous therapy. 51129

(2) When a licensed practical nurse authorized by the board 51130
to perform intravenous therapy performs an intravenous therapy 51131
procedure in a home as defined in section 3721.10 of the Revised 51132
Code, or in an intermediate care facility for the mentally 51133
retarded as defined in section 5111.20 of the Revised Code, at the 51134
direction of a registered nurse or licensed physician, dentist, 51135
optometrist, or podiatrist, a registered nurse shall be on the 51136
premises of the home or facility or accessible by some form of 51137
telecommunication. 51138

(D) No licensed practical nurse shall perform any of the	51139
following intravenous therapy procedures:	51140
(1) Initiating or maintaining any of the following:	51141
(a) Blood or blood components;	51142
(b) Solutions for total parenteral nutrition;	51143
(c) Any cancer therapeutic medication including, but not	51144
limited to, cancer chemotherapy or an anti-neoplastic agent;	51145
(d) Solutions administered through any central venous line or	51146
arterial line or any other line that does not terminate in a	51147
peripheral vein, except that a licensed practical nurse authorized	51148
by the board to perform intravenous therapy may maintain the	51149
solutions specified in division (D)(6)(a) of this section that are	51150
being administered through a central venous line or peripherally	51151
inserted central catheter;	51152
(e) Any investigational or experimental medication.	51153
(2) Initiating intravenous therapy in any vein, except that a	51154
licensed practical nurse authorized by the board to perform	51155
intravenous therapy may initiate intravenous therapy in accordance	51156
with this section in a vein of the hand, forearm, or antecubital	51157
fossa;	51158
(3) Discontinuing a central venous, arterial, or any other	51159
line that does not terminate in a peripheral vein;	51160
(4) Initiating or discontinuing a peripherally inserted	51161
central catheter;	51162
(5) Mixing, preparing, or reconstituting any medication for	51163
intravenous therapy, except that a licensed practical nurse	51164
authorized by the board to perform intravenous therapy may prepare	51165
or reconstitute an antibiotic additive;	51166
(6) Administering medication via the intravenous route,	51167

including all of the following activities:	51168
(a) Adding medication to an intravenous solution or to an existing infusion, except that a licensed practical nurse authorized by the board to perform intravenous therapy may do either of the following:	51169 51170 51171 51172
(i) Initiate an intravenous infusion containing one or more of the following elements: dextrose 5%; normal saline; lactated ringers; sodium chloride .45%; sodium chloride 0.2%; sterile water.	51173 51174 51175 51176
(ii) Hang subsequent containers of the intravenous solutions specified in division (D)(6)(a) of this section that contain vitamins or electrolytes, if a registered nurse initiated the infusion of that same intravenous solution.	51177 51178 51179 51180
(b) Initiating or maintaining an intravenous piggyback infusion, except that a licensed practical nurse authorized by the board to perform intravenous therapy may initiate or maintain an intravenous piggyback infusion containing an antibiotic additive;	51181 51182 51183 51184
(c) Injecting medication via a direct intravenous route, except that a licensed practical nurse authorized by the board to perform intravenous therapy may inject heparin or normal saline to flush an intermittent infusion device or heparin lock including, but not limited to, bolus or push.	51185 51186 51187 51188 51189
(7) Aspirating any intravenous line to maintain patency;	51190
(8) Changing tubing on any line including, but not limited to, an arterial line or a central venous line, except that a licensed practical nurse authorized by the board to perform intravenous therapy may change tubing on an intravenous line that terminates in a peripheral vein;	51191 51192 51193 51194 51195
(9) Programming or setting any function of a patient controlled infusion pump.	51196 51197

(E) Notwithstanding division (D) of this section, at the direction of a physician or a registered nurse, a licensed practical nurse authorized by the board to perform intravenous therapy may perform the following activities for the purpose of performing dialysis:

(1) The routine administration and regulation of saline solution for the purpose of maintaining an established fluid plan;

(2) The administration of a heparin dose intravenously;

(3) The administration of a heparin dose peripherally via a fistula needle;

(4) The loading and activation of a constant infusion pump or the intermittent injection of a dose of medication prescribed by a licensed physician for dialysis.

(F) No person shall employ or direct a licensed practical nurse to perform an intravenous therapy procedure without first verifying that the licensed practical nurse is authorized by the board to perform intravenous therapy.

(G) The board shall issue an intravenous therapy card to the licensed practical nurses authorized pursuant to division (A) of this section to perform intravenous therapy. A fee for issuing the card shall not be charged under section 4723.08 of the Revised Code if the licensed practical nurse receives the card by meeting the requirements of division (A)(1) of this section. The board shall maintain a registry of the names of licensed practical nurses ~~authorized pursuant to division (A) of this section to perform~~ who hold intravenous therapy cards.

Sec. 4723.271. The board of nursing shall provide a replacement copy of a nursing license, certificate of authority, ~~or dialysis technician certificate,~~ or community health worker certificate issued under this chapter upon request of the holder

accompanied by proper identification as prescribed in rules 51228
adopted by the board and payment of the fee authorized under 51229
section 4723.08 of the Revised Code. 51230

Upon request of the holder of a nursing license, certificate 51231
of authority, ~~or~~ dialysis technician certificate, or community 51232
health worker certificate issued under this chapter and payment of 51233
the fee authorized under section 4723.08 of the Revised Code, the 51234
board shall verify to an agency of another jurisdiction or foreign 51235
country the fact that the person holds such nursing license, 51236
certificate of authority, ~~or~~ dialysis technician certificate, or 51237
community health worker certificate. 51238

Sec. 4723.34. (A) Reports to the board of nursing shall be 51239
made as follows: 51240

(1) Every employer of registered nurses, licensed practical 51241
nurses, or dialysis technicians shall report to the board of 51242
nursing the name of any current or former employee who holds a 51243
nursing license or dialysis technician certificate issued under 51244
this chapter who has engaged in conduct that would be grounds for 51245
disciplinary action by the board under section 4723.28 of the 51246
Revised Code. Every employer of certified community health workers 51247
shall report to the board the name of any current or former 51248
employee who holds a community health worker certificate issued 51249
under this chapter who has engaged in conduct that would be 51250
grounds for disciplinary action by the board under section 4723.86 51251
of the Revised Code. 51252

(2) Nursing associations shall report to the board the name 51253
of any registered nurse or licensed practical nurse and dialysis 51254
technician associations shall report to the board the name of any 51255
dialysis technician who has been investigated and found to 51256
constitute a danger to the public health, safety, and welfare 51257
because of conduct that would be grounds for disciplinary action 51258

by the board under section 4723.28 of the Revised Code, except 51259
that an association is not required to report the individual's 51260
name if the individual is maintaining satisfactory participation 51261
in a peer support program approved by the board under rules 51262
adopted under section 4723.07 of the Revised Code. Community 51263
health worker associations shall report to the board the name of 51264
any certified community health worker who has been investigated 51265
and found to constitute a danger to the public health, safety, and 51266
welfare because of conduct that would be grounds for disciplinary 51267
action by the board under section 4723.86 of the Revised Code, 51268
except that an association is not required to report the 51269
individual's name if the individual is maintaining satisfactory 51270
participation in a peer support program approved by the board 51271
under rules adopted under section 4723.07 of the Revised Code. 51272

(3) If the prosecutor in a case described in divisions (B)(3) 51273
to (5) of section 4723.28 of the Revised Code, or in a case where 51274
the trial court issued an order of dismissal upon technical or 51275
procedural grounds of a charge of a misdemeanor committed in the 51276
course of practice, a felony charge, or a charge of gross 51277
immorality or moral turpitude, knows or has reason to believe that 51278
the person charged is licensed under this chapter to practice 51279
nursing as a registered nurse or as a licensed practical nurse or 51280
holds a certificate issued under this chapter to practice as a 51281
dialysis technician, the prosecutor shall notify the board of 51282
nursing. With regard to certified community health workers, if the 51283
prosecutor in a case involving a charge of a misdemeanor committed 51284
in the course of employment, a felony charge, or a charge of gross 51285
immorality or moral turpitude, including a case dismissed on 51286
technical or procedural grounds, knows or has reason to believe 51287
that the person charged holds a community health worker 51288
certificate issued under this chapter, the prosecutor shall notify 51289
the board. 51290

Each notification required by this division shall be made on 51291
forms prescribed and provided by the board. The report shall 51292
include the name and address of the license or certificate holder, 51293
the charge, and the certified court documents recording the 51294
action. 51295

(B) If any person fails to provide a report required by this 51296
section, the board may seek an order from a court of competent 51297
jurisdiction compelling submission of the report. 51298

Sec. 4723.35. (A) As used in this section, "chemical 51299
dependency" means either of the following: 51300

(1) The chronic and habitual use of alcoholic beverages to 51301
the extent that the user no longer can control the use of alcohol 51302
or endangers the user's health, safety, or welfare or that of 51303
others; 51304

(2) The use of a controlled substance as defined in section 51305
3719.01 of the Revised Code, a harmful intoxicant as defined in 51306
section 2925.01 of the Revised Code, or a dangerous drug as 51307
defined in section 4729.01 of the Revised Code, to the extent that 51308
the user becomes physically or psychologically dependent on the 51309
substance, intoxicant, or drug or endangers the user's health, 51310
safety, or welfare or that of others. 51311

(B) The board of nursing may abstain from taking disciplinary 51312
action under section 4723.28 or 4723.86 of the Revised Code 51313
against an individual with a chemical dependency if it finds that 51314
the individual can be treated effectively and there is no 51315
impairment of the individual's ability to practice according to 51316
acceptable and prevailing standards of safe care. The board shall 51317
establish a chemical dependency monitoring program to monitor the 51318
registered nurses, licensed practical nurses, ~~and~~ dialysis 51319
technicians, and certified community health workers against whom 51320

the board has abstained from taking action. The board shall 51321
develop the program, select the program's name, and designate a 51322
coordinator to administer the program. 51323

(C) The board shall adopt rules in accordance with Chapter 51324
119. of the Revised Code that establish the following: 51325

(1) Eligibility requirements for admission to and continued 51326
participation in the monitoring program; 51327

(2) Terms and conditions that must be met to participate in 51328
and successfully complete the program; 51329

(3) Procedures for keeping confidential records regarding 51330
participants; 51331

(4) Any other requirements or procedures necessary to 51332
establish and administer the program. 51333

(D)(1) As a condition of being admitted to the monitoring 51334
program, an individual shall surrender to the program coordinator 51335
the license or certificate that the individual holds. While the 51336
surrender is in effect, the individual is prohibited from engaging 51337
in the practice of nursing ~~or~~, engaging in the provision of 51338
dialysis care, or engaging in the provision of services that were 51339
being provided as a certified community health worker. 51340

If the program coordinator determines that a participant is 51341
capable of resuming practice according to acceptable and 51342
prevailing standards of safe care, the coordinator shall return 51343
the participant's license or certificate. If the participant 51344
violates the terms and conditions of resumed practice, the program 51345
coordinator shall require the participant to surrender the license 51346
or certificate as a condition of continued participation in the 51347
program. The coordinator may require the surrender only on the 51348
approval of the board's supervising member for disciplinary 51349
matters. 51350

The surrender of a license or certificate on admission to the monitoring program or while participating in the program does not constitute an action by the board under section 4723.28 or 4723.86 of the Revised Code. The participant may rescind the surrender at any time and the board may proceed by taking action under section 4723.28 or 4723.86 of the Revised Code.

(2) If the program coordinator determines that a participant is significantly out of compliance with the terms and conditions for participation, the coordinator shall notify the board's supervising member for disciplinary matters and the supervising member shall temporarily suspend the participant's license or certificate. The program coordinator shall notify the participant of the suspension by certified mail sent to the participant's last known address and shall refer the matter to the board for formal action under section 4723.28 or 4723.86 of the Revised Code.

(E) All of the following apply with respect to the receipt, release, and maintenance of records and information by the monitoring program:

(1) The program coordinator shall maintain all records in the board's office for a period of five years.

(2) When applying to participate in the monitoring program, the applicant shall sign a waiver permitting the program coordinator to receive and release information necessary for the coordinator to determine whether the individual is eligible for admission. After being admitted, the participant shall sign a waiver permitting the program coordinator to receive and release information necessary to determine whether the individual is eligible for continued participation in the program. Information that may be necessary for the program coordinator to determine eligibility for admission or continued participation in the monitoring program includes, but is not limited to, information

provided to and by employers, probation officers, law enforcement 51382
agencies, peer assistance programs, health professionals, and 51383
treatment providers. No entity with knowledge that the information 51384
has been provided to the monitoring program shall divulge that 51385
knowledge to any other person. 51386

(3) Except as provided in division (E)(4) of this section, 51387
all records pertaining to an individual's application for or 51388
participation in the monitoring program, including medical 51389
records, treatment records, and mental health records, shall be 51390
confidential. The records are not public records for the purposes 51391
of section 149.43 of the Revised Code and are not subject to 51392
discovery by subpoena or admissible as evidence in any judicial 51393
proceeding. 51394

(4) The program coordinator may disclose information 51395
regarding a participant's progress in the program to any person or 51396
government entity that the participant authorizes in writing to be 51397
given the information. In disclosing information under this 51398
division, the coordinator shall not include any information that 51399
is protected under section 3793.13 of the Revised Code or any 51400
federal statute or regulation that provides for the 51401
confidentiality of medical, mental health, or substance abuse 51402
records. 51403

(F) In the absence of fraud or bad faith, the program 51404
coordinator, the board of nursing, and the board's employees and 51405
representatives are not liable for damages in any civil action as 51406
a result of disclosing information in accordance with division 51407
(E)(4) of this section. In the absence of fraud or bad faith, any 51408
person reporting to the program with regard to an individual's 51409
chemical dependence, or the progress or lack of progress of that 51410
individual with regard to treatment, is not liable for damages in 51411
any civil action as a result of the report. 51412

Sec. 4723.431. (A) Except as provided in division (C)(1) of 51413
this section, a clinical nurse specialist, certified 51414
nurse-midwife, or certified nurse practitioner may practice only 51415
in accordance with a standard care arrangement entered into with 51416
each physician or podiatrist with whom the nurse collaborates. A 51417
copy of the standard care arrangement shall be retained on file at 51418
each site where the nurse practices. Prior approval of the 51419
standard care arrangement by the board of nursing is not required, 51420
but the board may periodically review it for compliance with this 51421
section. 51422

A clinical nurse specialist, certified nurse-midwife, or 51423
certified nurse practitioner may enter into a standard care 51424
arrangement with one or more collaborating physicians or 51425
podiatrists. Each physician or podiatrist must be actively engaged 51426
in direct clinical practice in this state and practicing in a 51427
specialty that is the same as or similar to the nurse's nursing 51428
specialty. If a collaborating physician or podiatrist enters into 51429
standard care arrangements with more than three nurses who hold 51430
certificates to prescribe issued under section 4723.48 of the 51431
Revised Code, the physician or podiatrist shall not collaborate at 51432
the same time with more than three of the nurses in the 51433
prescribing component of their practices. 51434

(B) A standard care arrangement shall be in writing and, 51435
except as provided in division (C)(2) of this section, shall 51436
contain all of the following: 51437

(1) Criteria for referral of a patient by the clinical nurse 51438
specialist, certified nurse-midwife, or certified nurse 51439
practitioner to a collaborating physician or podiatrist; 51440

(2) A process for the clinical nurse specialist, certified 51441
nurse-midwife, or certified nurse practitioner to obtain a 51442
consultation with a collaborating physician or podiatrist; 51443

(3) A plan for coverage in instances of emergency or planned absences of either the clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner or a collaborating physician or podiatrist that provides the means whereby a physician or podiatrist is available for emergency care;

(4) The process for resolution of disagreements regarding matters of patient management between the clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner and a collaborating physician or podiatrist;

(5) A procedure for a regular review of the referrals by the clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner to other health care professionals and the care outcomes for a random sample of all patients seen by the nurse;

(6) If the clinical nurse specialist or certified nurse practitioner regularly provides services to infants, a policy for care of infants up to age one and recommendations for collaborating physician visits for children from birth to age three;

(7) Any other criteria required by rule of the board adopted pursuant to section 4723.07 or 4723.50 of the Revised Code.

(C) A standard care arrangement entered into pursuant to this section may permit a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner to supervise services provided by a home health agency as defined in section 3701.881 of the Revised Code.

(D)(1) A clinical nurse specialist who does not hold a certificate to prescribe and whose nursing specialty is mental health or psychiatric mental health, as determined by the board, is not required to enter into a standard care arrangement, but shall practice in collaboration with one or more physicians.

(2) If a clinical nurse specialist practicing in either of 51474
the specialties specified in division (C)(1) of this section holds 51475
a certificate to prescribe, the nurse shall enter into a standard 51476
care arrangement with one or more physicians. The standard care 51477
arrangement must meet the requirements of division (B) of this 51478
section, but only to the extent necessary to address the 51479
prescribing component of the nurse's practice. 51480

~~(D)~~(E) Nothing in this section prohibits a hospital from 51481
hiring a clinical nurse specialist, certified nurse-midwife, or 51482
certified nurse practitioner as an employee and negotiating 51483
standard care arrangements on behalf of the employee as necessary 51484
to meet the requirements of this section. A standard care 51485
arrangement between the hospital's employee and the employee's 51486
collaborating physician is subject to approval by the medical 51487
staff and governing body of the hospital prior to implementation 51488
of the arrangement at the hospital. 51489

Sec. 4723.63. On receipt of a notice pursuant to section 51490
3123.43 of the Revised Code, the board of nursing shall comply 51491
with sections 3123.41 to 3123.50 of the Revised Code and any 51492
applicable rules adopted under section 3123.63 of the Revised Code 51493
with respect to a nursing license ~~or~~, dialysis technician 51494
certificate, or community health worker certificate issued 51495
pursuant to this chapter. 51496

Sec. 4723.81. The board of nursing shall develop and 51497
implement a program for the certification of community health 51498
workers. The board shall begin issuing community health worker 51499
certificates under section 4723.85 of the Revised Code not later 51500
than February 1, 2005. 51501

The certification program shall reflect the board's 51502
recognition of individuals who, as community representatives, 51503

advocate for individuals and groups in the community by assisting 51504
them in accessing community health and supportive resources 51505
through the provision of such services as education, role 51506
modeling, outreach, home visits, and referrals, any of which may 51507
be targeted toward an individual, family, or entire community. The 51508
certification program also shall reflect the board's recognition 51509
of the individuals as members of the community with a unique 51510
perspective of community needs that enables them to develop 51511
culturally appropriate solutions to problems and translate the 51512
solutions into practice. 51513

The certification program does not require an individual to 51514
obtain a community health worker certificate as a means of 51515
authorizing the individual to perform any of the activities that 51516
may be performed by an individual who holds a community health 51517
worker certificate. 51518

Sec. 4723.82. (A) An individual who holds a current, valid 51519
community health worker certificate issued by the board of nursing 51520
under section 4723.85 of the Revised Code may use the title 51521
"certified community health worker" or "community health worker." 51522
When providing services within the community, the certificate 51523
holder may represent to the public that the individual is 51524
providing the services under either title. 51525

(B)(1) Holding a community health worker certificate does not 51526
authorize an individual to administer medications or perform any 51527
other activity that requires judgment based on nursing knowledge 51528
or expertise. Any activities performed by a certified community 51529
health worker that are related to nursing care shall be performed 51530
only pursuant to the delegation of a registered nurse acting in 51531
accordance with the rules for delegation adopted under this 51532
chapter. Any other health-related activities performed by a 51533
certified community health worker shall be performed only under 51534

the supervision of a health professional acting within the scope 51535
of the professional's practice. 51536

Only a registered nurse may supervise a certified community 51537
health worker when performing delegated activities related to 51538
nursing care. The registered nurse supervising a certified 51539
community health worker shall provide the supervision in 51540
accordance with the rules for delegation adopted under this 51541
chapter and the rules for supervision of community health workers 51542
adopted under section 4723.88 of the Revised Code, including the 51543
rules limiting the number of certified community health workers 51544
who may be supervised at any one time. 51545

(2) A registered nurse who delegates activities to a 51546
certified community health worker or supervises a certified 51547
community health worker in the performance of delegated activities 51548
is not liable in damages to any person or government entity in a 51549
civil action for injury, death, or loss to person or property that 51550
allegedly arises from an action or omission of the certified 51551
community health worker in performing the activities, if the 51552
registered nurse delegates the activities or provides the 51553
supervision in accordance with this chapter and the rules adopted 51554
under this chapter. 51555

Sec. 4723.83. (A) An individual seeking a community health 51556
worker certificate shall submit an application to the board of 51557
nursing on forms the board shall prescribe and furnish. The 51558
applicant shall include all information the board requires to 51559
process the application. The application shall be accompanied by 51560
the fee established in rules adopted under section 4723.88 of the 51561
Revised Code. 51562

(B) An applicant for a community health worker certificate 51563
shall submit a request to the bureau of criminal identification 51564
and investigation for a criminal records check of the applicant. 51565

The request shall be on the form prescribed pursuant to division (C)(1) of section 109.572 of the Revised Code, accompanied by a standard impression sheet to obtain fingerprints prescribed pursuant to division (C)(2) of that section, and accompanied by the fee prescribed pursuant to division (C)(3) of that section. On receipt of the completed form, the completed impression sheet, and the fee, the bureau shall conduct a criminal records check of the applicant. On completion of the criminal records check, the bureau shall send the results of the check to the board. The applicant shall ask the superintendent of the bureau of criminal identification and investigation to request that the federal bureau of investigation provide the superintendent with any information it has with respect to the applicant.

The results of any criminal records check conducted pursuant to a request made under this section, and any report containing those results, are not public records for purposes of section 149.43 of the Revised Code and shall not be made available to any person or for any purpose other than the following:

(1) The results may be made available to any person for use in determining whether the individual who is the subject of the check should be issued a community health worker certificate.

(2) The results may be made available to the individual who is the subject of the check or that individual's representative.

Sec. 4723.84. (A) To be eligible to receive a community health worker certificate, an applicant shall meet all of the following conditions:

(1) Be eighteen years of age or older;

(2) Possess a high school diploma or the equivalent of a high school diploma, as determined by the board;

(3) Except as provided in division (B) of this section,

successfully complete a community health worker training program 51596
approved by the board under section 4723.87 of the Revised Code; 51597

(4) Have results on the criminal records check requested 51598
under section 4723.83 of the Revised Code indicating that the 51599
individual has not been convicted of, has not pleaded guilty to, 51600
and has not had a judicial finding of guilt for violating section 51601
2903.01, 2903.02, 2903.03, 2903.11, 2905.01, 2907.02, 2907.03, 51602
2907.05, 2909.02, 2911.01, or 2911.11 of the Revised Code or a 51603
substantially similar law of another state, the United States, or 51604
another country; 51605

(5) Meet all other requirements the board specifies in rules 51606
adopted under section 4723.88 of the Revised Code. 51607

(B) In lieu of meeting the condition of completing a 51608
community health worker training program, an applicant may be 51609
issued a community health worker certificate if the individual was 51610
employed in a capacity substantially the same as a community 51611
health worker before the board implemented the certification 51612
program. To be eligible under this division, an applicant must 51613
meet the requirements specified in rules adopted by the board 51614
under section 4723.88 of the Revised Code and provide 51615
documentation from the employer attesting to the employer's belief 51616
that the applicant is competent to perform activities as a 51617
certified community health worker. 51618

Sec. 4723.85. (A) The board of nursing shall review all 51619
applications received under section 4723.83 of the Revised Code. 51620
If an applicant meets the requirements of section 4723.84 of the 51621
Revised Code, the board shall issue a community health worker 51622
certificate to the applicant. 51623

(B) A community health worker certificate issued under this 51624
section expires biennially and may be renewed in accordance with 51625
the schedule and procedures established by the board in rules 51626

adopted under section 4723.88 of the Revised Code. To be eligible 51627
for renewal, an individual must complete the continuing education 51628
requirements established by the board in rules adopted under 51629
section 4723.88 of the Revised Code and meet all other 51630
requirements for renewal, as specified in the board's rules 51631
adopted under that section. If an applicant for renewal has 51632
successfully completed the continuing education requirements and 51633
meets all other requirements for renewal, the board shall issue a 51634
renewed community health worker certificate to the applicant. 51635

Sec. 4723.86. The board of nursing, by vote of a quorum, may 51636
deny, revoke, or suspend a community health worker certificate. 51637
The board may impose one or more of the sanctions against an 51638
applicant or certificate holder for any of the reasons it 51639
specifies in rules adopted under section 4723.88 of the Revised 51640
Code. All actions to impose a sanction shall be taken in 51641
accordance with Chapter 119. of the Revised Code. 51642

Sec. 4723.87. (A) A person or government entity seeking to 51643
operate a training program that prepares individuals to become 51644
certified community health workers shall submit an application to 51645
the board of nursing on forms the board shall prescribe and 51646
furnish. The applicant shall include all information the board 51647
requires to process the application. The application shall be 51648
accompanied by the fee established in rules adopted under section 51649
4723.87 of the Revised Code. 51650

The board shall review all applications received. If an 51651
applicant meets the standards for approval established in the 51652
board's rules adopted under section 4723.88 of the Revised Code, 51653
the board shall approve the program. 51654

(B) The board's approval of a training program expires 51655
biennially and may be renewed in accordance with the schedule and 51656

procedures established by the board in rules adopted under section 51657
4723.88 of the Revised Code. 51658

(C) If an approved community health worker training program 51659
ceases to meet the standards for approval, the board shall 51660
withdraw its approval of the program, refuse to renew its approval 51661
of the program, or place the program on provisional approval. In 51662
withdrawing or refusing to renew its approval, the board shall act 51663
in accordance with Chapter 119. of the Revised Code. In placing a 51664
program on provisional approval, the board shall specify the 51665
period of time during which the provisional approval is valid. At 51666
the end of the period, the board shall reconsider whether the 51667
program meets the standards for approval. If the program meets the 51668
standards for approval, the board shall reinstate its full 51669
approval of the program or renew its approval of the program. If 51670
the program does not meet the standards for approval, the board 51671
shall proceed by withdrawing or refusing to renew its approval of 51672
the program. 51673

Sec. 4723.88. The board of nursing, in accordance with 51674
Chapter 119. of the Revised Code, shall adopt rules to administer 51675
and enforce sections 4723.81 to 4723.87 of the Revised Code. The 51676
rules shall establish all of the following: 51677

(A) Standards and procedures for issuance of community health 51678
worker certificates; 51679

(B) Standards for evaluating the competency of an individual 51680
who applies to receive a certificate on the basis of having been 51681
employed in a capacity substantially the same as a community 51682
health worker before the board implemented the certification 51683
program; 51684

(C) Standards and procedures for renewal of community health 51685
worker certificates, including the continuing education 51686
requirements that must be met for renewal; 51687

(D) Standards governing the performance of activities related to nursing care that are delegated by a registered nurse to certified community health workers. In establishing the standards, the board shall specify limits on the number of certified community health workers a registered nurse may supervise at any one time. 51688
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(E) Standards and procedures for assessing the quality of the services that are provided by certified community health workers; 51694
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(F) Standards and procedures for denying, suspending, and revoking a community health worker certificate, including reasons for imposing the sanctions that are substantially similar to the reasons that sanctions are imposed under section 4723.28 of the Revised Code; 51696
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(G) Standards and procedures for approving and renewing the board's approval of training programs that prepare individuals to become certified community health workers. In establishing the standards, the board shall specify the minimum components that must be included in a training program, shall require that all approved training programs offer the standardized curriculum, and shall ensure that the curriculum enables individuals to use the training as a basis for entering programs leading to other careers, including nursing education programs. 51701
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(H) Standards and procedures for withdrawing the board's approval of a training program, refusing to renew the approval of a training program, and placing a training program on provisional approval; 51710
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(I) Amounts for each fee that may be imposed under division (A)(25) of section 4723.08 of the Revised Code; 51714
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(J) Any other standards or procedures the board considers necessary and appropriate for the administration and enforcement of sections 4723.81 to 4723.87 of the Revised Code. 51716
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Sec. 4729.01. As used in this chapter:	51719
(A) "Pharmacy," except when used in a context that refers to the practice of pharmacy, means any area, room, rooms, place of business, department, or portion of any of the foregoing where the practice of pharmacy is conducted.	51720 51721 51722 51723
(B) "Practice of pharmacy" means providing pharmacist care requiring specialized knowledge, judgment, and skill derived from the principles of biological, chemical, behavioral, social, pharmaceutical, and clinical sciences. As used in this division, "pharmacist care" includes the following:	51724 51725 51726 51727 51728
(1) Interpreting prescriptions;	51729
(2) Compounding or dispensing drugs and dispensing drug therapy related devices;	51730 51731
(3) Counseling individuals with regard to their drug therapy, recommending drug therapy related devices, and assisting in the selection of drugs and appliances for treatment of common diseases and injuries and providing instruction in the proper use of the drugs and appliances;	51732 51733 51734 51735 51736
(4) Performing drug regimen reviews with individuals by discussing all of the drugs that the individual is taking and explaining the interactions of the drugs;	51737 51738 51739
(5) Performing drug utilization reviews with licensed health professionals authorized to prescribe drugs when the pharmacist determines that an individual with a prescription has a drug regimen that warrants additional discussion with the prescriber;	51740 51741 51742 51743
(6) Advising an individual and the health care professionals treating an individual with regard to the individual's drug therapy;	51744 51745 51746
(7) Acting pursuant to a consult agreement with a physician	51747

authorized under Chapter 4731. of the Revised Code to practice 51748
medicine and surgery or osteopathic medicine and surgery, if an 51749
agreement has been established with the physician; 51750

(8) Administering ~~by injection~~ the adult immunizations 51751
specified in section 4729.41 of the Revised Code, if the 51752
pharmacist has met the requirements of that section. 51753

(C) "Compounding" means the preparation, mixing, assembling, 51754
packaging, and labeling of one or more drugs in any of the 51755
following circumstances: 51756

(1) Pursuant to a prescription issued by a licensed health 51757
professional authorized to prescribe drugs; 51758

(2) Pursuant to the modification of a prescription made in 51759
accordance with a consult agreement; 51760

(3) As an incident to research, teaching activities, or 51761
chemical analysis; 51762

(4) In anticipation of prescription drug orders based on 51763
routine, regularly observed dispensing patterns. 51764

(D) "Consult agreement" means an agreement to manage an 51765
individual's drug therapy that has been entered into by a 51766
pharmacist and a physician authorized under Chapter 4731. of the 51767
Revised Code to practice medicine and surgery or osteopathic 51768
medicine and surgery. 51769

(E) "Drug" means: 51770

(1) Any article recognized in the United States pharmacopoeia 51771
and national formulary, or any supplement to them, intended for 51772
use in the diagnosis, cure, mitigation, treatment, or prevention 51773
of disease in humans or animals; 51774

(2) Any other article intended for use in the diagnosis, 51775
cure, mitigation, treatment, or prevention of disease in humans or 51776
animals; 51777

(3) Any article, other than food, intended to affect the structure or any function of the body of humans or animals;	51778 51779
(4) Any article intended for use as a component of any article specified in division (C)(1), (2), or (3) of this section; but does not include devices or their components, parts, or accessories.	51780 51781 51782 51783
(F) "Dangerous drug" means any of the following:	51784
(1) Any drug to which either of the following applies:	51785
(a) Under the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, the drug is required to bear a label containing the legend "Caution: Federal law prohibits dispensing without prescription" or "Caution: Federal law restricts this drug to use by or on the order of a licensed veterinarian" or any similar restrictive statement, or the drug may be dispensed only upon a prescription;	51786 51787 51788 51789 51790 51791 51792
(b) Under Chapter 3715. or 3719. of the Revised Code, the drug may be dispensed only upon a prescription.	51793 51794
(2) Any drug that contains a schedule V controlled substance and that is exempt from Chapter 3719. of the Revised Code or to which that chapter does not apply;	51795 51796 51797
(3) Any drug intended for administration by injection into the human body other than through a natural orifice of the human body.	51798 51799 51800
(G) "Federal drug abuse control laws" has the same meaning as in section 3719.01 of the Revised Code.	51801 51802
(H) "Prescription" means a written, electronic, or oral order for drugs or combinations or mixtures of drugs to be used by a particular individual or for treating a particular animal, issued by a licensed health professional authorized to prescribe drugs.	51803 51804 51805 51806
(I) "Licensed health professional authorized to prescribe	51807

drugs" or "prescriber" means an individual who is authorized by 51808
law to prescribe drugs or dangerous drugs or drug therapy related 51809
devices in the course of the individual's professional practice, 51810
including only the following: 51811

(1) A dentist licensed under Chapter 4715. of the Revised 51812
Code; 51813

(2) Until January 17, 2000, an advanced practice nurse 51814
approved under section 4723.56 of the Revised Code to prescribe 51815
drugs and therapeutic devices; 51816

(3) A clinical nurse specialist, certified nurse-midwife, or 51817
certified nurse practitioner who holds a certificate to prescribe 51818
issued under section 4723.48 of the Revised Code; 51819

(4) An optometrist licensed under Chapter 4725. of the 51820
Revised Code to practice optometry under a therapeutic 51821
pharmaceutical agents certificate; 51822

(5) A physician authorized under Chapter 4731. of the Revised 51823
Code to practice medicine and surgery, osteopathic medicine and 51824
surgery, or podiatry; 51825

(6) A veterinarian licensed under Chapter 4741. of the 51826
Revised Code. 51827

(J) "Sale" and "sell" include delivery, transfer, barter, 51828
exchange, or gift, or offer therefor, and each such transaction 51829
made by any person, whether as principal proprietor, agent, or 51830
employee. 51831

(K) "Wholesale sale" and "sale at wholesale" mean any sale in 51832
which the purpose of the purchaser is to resell the article 51833
purchased or received by the purchaser. 51834

(L) "Retail sale" and "sale at retail" mean any sale other 51835
than a wholesale sale or sale at wholesale. 51836

(M) "Retail seller" means any person that sells any dangerous 51837

drug to consumers without assuming control over and responsibility 51838
for its administration. Mere advice or instructions regarding 51839
administration do not constitute control or establish 51840
responsibility. 51841

(N) "Price information" means the price charged for a 51842
prescription for a particular drug product and, in an easily 51843
understandable manner, all of the following: 51844

(1) The proprietary name of the drug product; 51845

(2) The established (generic) name of the drug product; 51846

(3) The strength of the drug product if the product contains 51847
a single active ingredient or if the drug product contains more 51848
than one active ingredient and a relevant strength can be 51849
associated with the product without indicating each active 51850
ingredient. The established name and quantity of each active 51851
ingredient are required if such a relevant strength cannot be so 51852
associated with a drug product containing more than one 51853
ingredient. 51854

(4) The dosage form; 51855

(5) The price charged for a specific quantity of the drug 51856
product. The stated price shall include all charges to the 51857
consumer, including, but not limited to, the cost of the drug 51858
product, professional fees, handling fees, if any, and a statement 51859
identifying professional services routinely furnished by the 51860
pharmacy. Any mailing fees and delivery fees may be stated 51861
separately without repetition. The information shall not be false 51862
or misleading. 51863

(O) "Wholesale distributor of dangerous drugs" means a person 51864
engaged in the sale of dangerous drugs at wholesale and includes 51865
any agent or employee of such a person authorized by the person to 51866
engage in the sale of dangerous drugs at wholesale. 51867

(P) "Manufacturer of dangerous drugs" means a person, other than a pharmacist, who manufactures dangerous drugs and who is engaged in the sale of those dangerous drugs within this state.

(Q) "Terminal distributor of dangerous drugs" means a person who is engaged in the sale of dangerous drugs at retail, or any person, other than a wholesale distributor or a pharmacist, who has possession, custody, or control of dangerous drugs for any purpose other than for that person's own use and consumption, and includes pharmacies, hospitals, nursing homes, and laboratories and all other persons who procure dangerous drugs for sale or other distribution by or under the supervision of a pharmacist or licensed health professional authorized to prescribe drugs.

(R) "Promote to the public" means disseminating a representation to the public in any manner or by any means, other than by labeling, for the purpose of inducing, or that is likely to induce, directly or indirectly, the purchase of a dangerous drug at retail.

(S) "Person" includes any individual, partnership, association, limited liability company, or corporation, the state, any political subdivision of the state, and any district, department, or agency of the state or its political subdivisions.

(T) "Finished dosage form" has the same meaning as in section 3715.01 of the Revised Code.

(U) "Generically equivalent drug" has the same meaning as in section 3715.01 of the Revised Code.

(V) "Animal shelter" means a facility operated by a humane society or any society organized under Chapter 1717. of the Revised Code or a dog pound operated pursuant to Chapter 955. of the Revised Code.

(W) "Food" has the same meaning as in section 3715.01 of the

Revised Code.	51898
Sec. 4729.41. (A) A pharmacist licensed under this chapter	51899
who meets the requirements of division (B) of this section may	51900
administer, by injection, adult immunizations for any of the	51901
following:	51902
(1) Influenza;	51903
(2) Pneumonia;	51904
(3) Tetanus;	51905
(4) Hepatitis A;	51906
(5) Hepatitis B.	51907
(B) To be authorized to administer the adult immunizations	51908
specified in division (A) of this section, a pharmacist shall do	51909
all of the following:	51910
(1) Successfully complete a course in the administration of	51911
adult immunizations that has been approved by the state board of	51912
pharmacy as meeting the standards established for such courses by	51913
the centers for disease control and prevention in the public	51914
health service of the United States department of health and human	51915
services;	51916
(2) Receive and maintain certification to perform basic	51917
life-support procedures by successfully completing a basic	51918
life-support training course certified by the American red cross	51919
or American heart association;	51920
(3) Practice in accordance with a definitive set of treatment	51921
guidelines specified in a protocol established by a physician and	51922
approved by the state board of pharmacy. The protocol shall	51923
include provisions requiring that the pharmacist do both of the	51924
following:	51925
(a) Observe an individual who has been immunized by the	51926

pharmacist to determine whether the individual has an adverse 51927
reaction to the immunization. The length of time and location of 51928
the observation shall be specified in rules adopted by the state 51929
board of pharmacy under division (D) of this section. 51930

(b) Not later than thirty days after administering an adult 51931
immunization to an individual, notify the individual's family 51932
physician or, if the individual has no family physician, the board 51933
of health of the health district in which the individual resides. 51934

(C) No pharmacist shall do either of the following: 51935

(1) Engage in the administration of adult immunizations by 51936
injection unless the requirements of division (B) of this section 51937
have been met; 51938

(2) Delegate to any person the pharmacist's authority to 51939
administer adult immunizations. 51940

(D) The state board of pharmacy shall adopt rules to 51941
implement this section, including rules for approval of courses in 51942
administration of adult immunizations and approval of protocols to 51943
be followed by pharmacists in administering adult immunizations. 51944
Prior to adopting the rules regarding approval of protocols, the 51945
state board of pharmacy shall consult with the state medical board 51946
and the board of nursing. The rules shall be adopted in accordance 51947
with Chapter 119. of the Revised Code. 51948

Sec. 4731.27. (A) As used in this section, "collaboration," 51949
"physician," "standard care arrangement," and "supervision" have 51950
the same meanings as in section 4723.01 of the Revised Code. 51951

(B) Except as provided in division ~~(C)~~(D)(1) of section 51952
4723.431 of the Revised Code, a physician or podiatrist shall 51953
enter into a standard care arrangement with each clinical nurse 51954
specialist, certified nurse-midwife, or certified nurse 51955
practitioner with whom the physician or podiatrist is in 51956

collaboration. The collaborating physician or podiatrist shall 51957
fulfill the responsibilities of collaboration, as specified in the 51958
arrangement and in accordance with division (A) of section 51959
4723.431 of the Revised Code. A copy of the standard care 51960
arrangement shall be retained on file at each site where the nurse 51961
practices. Prior approval of the standard care arrangement by the 51962
state medical board is not required, but the board may 51963
periodically review it. 51964

Nothing in this division prohibits a hospital from hiring a 51965
clinical nurse specialist, certified nurse-midwife, or certified 51966
nurse practitioner as an employee and negotiating standard care 51967
arrangements on behalf of the employee as necessary to meet the 51968
requirements of this section. A standard care arrangement between 51969
the hospital's employee and the employee's collaborating physician 51970
is subject to approval by the medical staff and governing body of 51971
the hospital prior to implementation of the arrangement at the 51972
hospital. 51973

(C) With respect to a clinical nurse specialist, certified 51974
nurse-midwife, or certified nurse practitioner participating in an 51975
externship pursuant to an initial certificate to prescribe issued 51976
under section 4723.48 of the Revised Code, the physician 51977
responsible for evaluating the externship shall provide the state 51978
medical board with the name of the nurse. If the externship is 51979
terminated for any reason, the physician shall notify the board. 51980

(D) A physician or podiatrist shall cooperate with the board 51981
of nursing in any investigation the board conducts with respect to 51982
a clinical nurse specialist, certified nurse-midwife, or certified 51983
nurse practitioner who collaborates with the physician or 51984
podiatrist or with respect to a certified registered nurse 51985
anesthetist who practices with the supervision of the physician or 51986
podiatrist. 51987

Sec. 4731.65. As used in sections 4731.65 to 4731.71 of the	51988
Revised Code:	51989
(A)(1) "Clinical laboratory services" means either of the	51990
following:	51991
(a) Any examination of materials derived from the human body	51992
for the purpose of providing information for the diagnosis,	51993
prevention, or treatment of any disease or impairment or for the	51994
assessment of health;	51995
(b) Procedures to determine, measure, or otherwise describe	51996
the presence or absence of various substances or organisms in the	51997
body.	51998
(2) "Clinical laboratory services" does not include the mere	51999
collection or preparation of specimens.	52000
(B) "Designated health services" means any of the following:	52001
(1) Clinical laboratory services;	52002
(2) Home health care services;	52003
(3) Outpatient prescription drugs.	52004
(C) "Fair market value" means the value in arms-length	52005
transactions, consistent with general market value and:	52006
(1) With respect to rentals or leases, the value of rental	52007
property for general commercial purposes, not taking into account	52008
its intended use;	52009
(2) With respect to a lease of space, not adjusted to reflect	52010
the additional value the prospective lessee or lessor would	52011
attribute to the proximity or convenience to the lessor if the	52012
lessor is a potential source of referrals to the lessee.	52013
(D) "Governmental health care program" means any program	52014
providing health care benefits that is administered by the federal	52015

government, this state, or a political subdivision of this state, 52016
including the medicare program established under Title XVIII of 52017
the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, 52018
as amended, health care coverage for public employees, health care 52019
benefits administered by the bureau of workers' compensation, the 52020
medical assistance program established under Chapter 5111. of the 52021
Revised Code, and the disability ~~assistance~~ medical assistance 52022
program established under Chapter 5115. of the Revised Code. 52023

(E)(1) "Group practice" means a group of two or more holders 52024
of certificates under this chapter legally organized as a 52025
partnership, professional corporation or association, limited 52026
liability company, foundation, nonprofit corporation, faculty 52027
practice plan, or similar group practice entity, including an 52028
organization comprised of a nonprofit medical clinic that 52029
contracts with a professional corporation or association of 52030
physicians to provide medical services exclusively to patients of 52031
the clinic in order to comply with section 1701.03 of the Revised 52032
Code and including a corporation, limited liability company, 52033
partnership, or professional association described in division (B) 52034
of section 4731.226 of the Revised Code formed for the purpose of 52035
providing a combination of the professional services of 52036
optometrists who are licensed, certificated, or otherwise legally 52037
authorized to practice optometry under Chapter 4725. of the 52038
Revised Code, chiropractors who are licensed, certificated, or 52039
otherwise legally authorized to practice chiropractic under 52040
Chapter 4734. of the Revised Code, psychologists who are licensed, 52041
certificated, or otherwise legally authorized to practice 52042
psychology under Chapter 4732. of the Revised Code, registered or 52043
licensed practical nurses who are licensed, certificated, or 52044
otherwise legally authorized to practice nursing under Chapter 52045
4723. of the Revised Code, pharmacists who are licensed, 52046
certificated, or otherwise legally authorized to practice pharmacy 52047
under Chapter 4729. of the Revised Code, physical therapists who 52048

are licensed, certificated, or otherwise legally authorized to 52049
practice physical therapy under sections 4755.40 to 4755.53 of the 52050
Revised Code, mechanotherapists who are licensed, certificated, or 52051
otherwise legally authorized to practice mechanotherapy under 52052
section 4731.151 of the Revised Code, and doctors of medicine and 52053
surgery, osteopathic medicine and surgery, or podiatric medicine 52054
and surgery who are licensed, certificated, or otherwise legally 52055
authorized for their respective practices under this chapter, to 52056
which all of the following apply: 52057

(a) Each physician who is a member of the group practice 52058
provides substantially the full range of services that the 52059
physician routinely provides, including medical care, 52060
consultation, diagnosis, or treatment, through the joint use of 52061
shared office space, facilities, equipment, and personnel. 52062

(b) Substantially all of the services of the members of the 52063
group are provided through the group and are billed in the name of 52064
the group and amounts so received are treated as receipts of the 52065
group. 52066

(c) The overhead expenses of and the income from the practice 52067
are distributed in accordance with methods previously determined 52068
by members of the group. 52069

(d) The group practice meets any other requirements that the 52070
state medical board applies in rules adopted under section 4731.70 52071
of the Revised Code. 52072

(2) In the case of a faculty practice plan associated with a 52073
hospital with a medical residency training program in which 52074
physician members may provide a variety of specialty services and 52075
provide professional services both within and outside the group, 52076
as well as perform other tasks such as research, the criteria in 52077
division (E)(1) of this section apply only with respect to 52078
services rendered within the faculty practice plan. 52079

(F) "Home health care services" and "immediate family" have 52080
the same meanings as in the rules adopted under section 4731.70 of 52081
the Revised Code. 52082

(G) "Hospital" has the same meaning as in section 3727.01 of 52083
the Revised Code. 52084

(H) A "referral" includes both of the following: 52085

(1) A request by a holder of a certificate under this chapter 52086
for an item or service, including a request for a consultation 52087
with another physician and any test or procedure ordered by or to 52088
be performed by or under the supervision of the other physician; 52089

(2) A request for or establishment of a plan of care by a 52090
certificate holder that includes the provision of designated 52091
health services. 52092

(I) "Third-party payer" has the same meaning as in section 52093
3901.38 of the Revised Code. 52094

Sec. 4731.71. The auditor of state may implement procedures 52095
to detect violations of section 4731.66 or 4731.69 of the Revised 52096
Code within governmental health care programs administered by the 52097
state. The auditor of state shall report any violation of either 52098
section to the state medical board and shall certify to the 52099
attorney general in accordance with section 131.02 of the Revised 52100
Code the amount of any refund owed to a state-administered 52101
governmental health care program under section 4731.69 of the 52102
Revised Code as a result of a violation. If a refund is owed to 52103
the medical assistance program established under Chapter 5111. of 52104
the Revised Code or the disability ~~assistance~~ medical assistance 52105
program established under Chapter 5115. of the Revised Code, the 52106
auditor of state also shall report the amount to the department of 52107
commerce. 52108

The state medical board also may implement procedures to 52109

detect violations of section 4731.66 or 4731.69 of the Revised Code. 52110
52111

Sec. 4734.15. (A) The license provided for in this chapter shall entitle the holder thereof to practice chiropractic in this state. All of the following apply to the practice of chiropractic in this state: 52112
52113
52114
52115

(1) A chiropractor is authorized to examine, diagnose, and assume responsibility for the care of patients, any or all of which is included in the practice of chiropractic. 52116
52117
52118

(2) The practice of chiropractic does not permit the chiropractor to treat infectious, contagious, or venereal disease, to perform surgery or acupuncture, or to prescribe or administer drugs for treatment. 52119
52120
52121
52122

(3) A chiropractor may use roentgen rays only for diagnostic purposes. 52123
52124

(4) The practice of chiropractic does not include the performance of abortions. 52125
52126

(B) An individual holding a valid, current license to practice chiropractic is entitled to use the title "doctor," "doctor of chiropractic," "chiropractic physician," or "chiropractic" and is a "physician" for the purposes of Chapter 4123. of the Revised Code ~~and the medicaid program operated pursuant to Chapter 5111. of the Revised Code.~~ 52127
52128
52129
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52131
52132

Sec. 4736.12. (A) The state board of sanitarian registration shall charge the following fees: 52133
52134

(1) To apply as a sanitarian-in-training, ~~fifty-seven~~ seventy-five dollars; 52135
52136

(2) For sanitarians-in-training to apply for registration as sanitarians, ~~fifty-seven~~ seventy-five dollars. The applicant shall 52137
52138

pay this fee only once regardless of the number of times the 52139
applicant takes an examination required under section 4736.08 of 52140
the Revised Code. 52141

(3) For persons other than sanitarians-in-training to apply 52142
for registration as sanitarians, including persons meeting the 52143
requirements of section 4736.16 of the Revised Code, one hundred 52144
~~fourteen~~ fifty dollars. The applicant shall pay this fee only once 52145
regardless of the number of times the applicant takes an 52146
examination required under section 4736.08 of the Revised Code. 52147

(4) The renewal fee for registered sanitarians shall be ~~fixed~~ 52148
~~by the board and shall not exceed sixty one~~ sixty-nine dollars. 52149

(5) The renewal fee for sanitarians-in-training shall be 52150
~~fixed by the board and shall not exceed sixty one~~ sixty-nine 52151
dollars. 52152

(6) For late application for renewal, twenty-five dollars. 52153

The board of sanitarian registration, with the approval of 52154
the controlling board, may establish fees in excess of the amounts 52155
provided in this section, provided that such fees do not exceed 52156
the amounts permitted by this section by more than fifty per cent. 52157

(B) The board of sanitarian registration shall charge 52158
separate fees for examinations as required by section 4736.08 of 52159
the Revised Code, provided that the fees are not in excess of the 52160
actual cost to the board of conducting the examinations. 52161

(C) The board of sanitarian registration may adopt rules 52162
establishing fees for all of the following: 52163

(1) Application for the registration of a training agency 52164
approved under rules adopted by the board pursuant to section 52165
4736.11 of the Revised Code and for the annual registration 52166
renewal of an approved training agency. 52167

(2) Application for the review of continuing education hours 52168

submitted for the board's approval by approved training agencies 52169
or by registered sanitarians or sanitarians-in-training. 52170

Sec. 4743.05. Except as otherwise provided in sections 52171
4701.20, 4723.062, 4723.082, and 4729.65 of the Revised Code, all 52172
money collected under Chapters 3773., 4701., 4703., 4709., 4713., 52173
4715., 4717., 4723., 4725., 4729., 4732., 4733., 4734., 4736., 52174
4741., 4753., 4755., 4757., 4758., 4759., ~~and 4761., 4771., and~~ 52175
4779. of the Revised Code, ~~and until December 31, 2004, money~~ 52176
~~collected under Chapter 4779. of the Revised Code,~~ shall be paid 52177
into the state treasury to the credit of the occupational 52178
licensing and regulatory fund, which is hereby created for use in 52179
administering such chapters. 52180

At the end of each quarter, the director of budget and 52181
management shall transfer from the occupational licensing and 52182
regulatory fund to the nurse education assistance fund created in 52183
section 3333.28 of the Revised Code the amount certified to the 52184
director under division (B) of section 4723.08 of the Revised 52185
Code. 52186

At the end of each quarter, the director shall transfer from 52187
the occupational licensing and regulatory fund to the certified 52188
public accountant education assistance fund created in section 52189
4701.26 of the Revised Code the amount certified to the director 52190
under division (H)(2) of section 4701.10 of the Revised Code. 52191

Sec. 4747.05. (A) The hearing aid dealers and fitters 52192
licensing board shall issue to each applicant, within sixty days 52193
of receipt of a properly completed application and payment of two 52194
hundred ~~fifty~~ sixty-two dollars, a hearing aid dealer's or 52195
fitter's license if the applicant, if an individual: 52196

(1) Is at least eighteen years of age; 52197

(2) Is a person of good moral character; 52198

(3) Is free of contagious or infectious disease; 52199

(4) Has successfully passed a qualifying examination 52200
specified and administered by the board. 52201

(B) If the applicant is a firm, partnership, association, or 52202
corporation, the application, in addition to such information as 52203
the board requires, shall be accompanied by an application for a 52204
license for each person, whether owner or employee, of the firm, 52205
partnership, association, or corporation, who engages in dealing 52206
in or fitting of hearing aids, or shall contain a statement that 52207
such applications are submitted separately. No firm, partnership, 52208
association, or corporation licensed pursuant to this chapter 52209
shall permit any unlicensed person to sell or fit hearing aids. 52210

(C) Each license issued expires on the thirtieth day of 52211
January of the year following that in which it was issued. 52212

Sec. 4747.06. (A) Each person engaged in the practice of 52213
dealing in or fitting of hearing aids who holds a valid hearing 52214
aid dealer's or fitter's license shall apply annually to the 52215
hearing aid dealers and fitters licensing board for renewal of 52216
such license under the standard renewal procedure specified in 52217
Chapter 4745. of the Revised Code. The board shall issue to each 52218
applicant, on proof of completion of the continuing education 52219
required by division (B) of this section and payment of one 52220
hundred ~~fifty~~ fifty-seven dollars on or before the first day of 52221
February, one hundred ~~seventy-five~~ eighty-three dollars on or 52222
before the first day of March, or two hundred ten dollars 52223
thereafter, a renewed hearing aid dealer's or fitter's license. No 52224
person who applies for renewal of a hearing aid dealer's or 52225
fitter's license that has expired shall be required to take any 52226
examination as a condition of renewal provided application for 52227
renewal is made within two years of the date such license expired. 52228

(B) Each person engaged in the practice of dealing in or fitting of hearing aids who holds a valid hearing aid dealer's or fitter's license shall complete each year not less than ten hours of continuing professional education approved by the board. On a form provided by the board, the person shall certify to the board, at the time of license renewal pursuant to division (A) of this section, that in the preceding year the person has completed continuing education in compliance with this division and shall submit any additional information required by rule of the board regarding the continuing education. The board shall adopt rules in accordance with Chapter 119. of the Revised Code establishing the standards continuing education programs must meet to obtain board approval and continuing education reporting requirements.

Continuing education may be applied to meet the requirement of this division if it is provided or certified by any of the following:

- (1) The national institute of hearing instruments studies committee of the international hearing society;
- (2) The American speech-language hearing association;
- (3) The American academy of audiology.

The board may excuse persons licensed under this chapter, as a group or as individuals, from all or any part of the requirements of this division because of an unusual circumstance, emergency, or special hardship.

Sec. 4747.07. Each person who holds a hearing aid dealer's or fitter's license and engages in the practice of dealing in and fitting of hearing aids shall display such license in a conspicuous place in the person's office or place of business at all times. Each person who maintains more than one office or place of business shall post a duplicate copy of the license at each

location. The hearing aid dealers and fitters licensing board 52259
shall issue duplicate copies of a license upon receipt of a 52260
properly completed application and payment of ~~fifteen~~ sixteen 52261
dollars for each copy requested. 52262

Sec. 4747.10. Each person currently engaged in training to 52263
become a licensed hearing aid dealer or fitter shall apply to the 52264
hearing aid dealers and fitters licensing board for a hearing aid 52265
dealer's and fitter's trainee permit. The board shall issue to 52266
each applicant within thirty days of receipt of a properly 52267
completed application and payment of one hundred fifty dollars, a 52268
trainee permit if such applicant is: 52269

(A) At least eighteen years of age; 52270

(B) The holder of a diploma from an accredited high school, 52271
or possesses an equivalent education; 52272

(C) A person of good moral character; 52273

(D) Free of contagious or infectious disease. 52274

Each trainee permit issued by the board expires one year from 52275
the date it was first issued, and may be renewed once if the 52276
trainee has not successfully completed the qualifying requirements 52277
for licensing as a hearing aid dealer or fitter before the 52278
expiration date of such permit. The board shall issue a renewed 52279
permit to each applicant upon receipt of a properly completed 52280
application and payment of one hundred five dollars. No person 52281
holding a trainee permit shall engage in the practice of dealing 52282
in or fitting of hearing aids except while under supervision by a 52283
licensed hearing aid dealer or fitter. 52284

Sec. 4751.06. (A) An applicant for licensure as a nursing 52285
home administrator who has successfully completed the requirements 52286
of section 4751.05 of the Revised Code, passed the examination 52287
administered by the board of examiners of nursing home 52288

administrators or a government or private entity under contract 52289
with the board, and paid to the board an original license fee of 52290
two hundred ~~ten~~ fifty dollars shall be issued a license on a form 52291
provided by the board. Such license shall certify that the 52292
applicant has met the licensure requirements of Chapter 4751. of 52293
the Revised Code and is entitled to practice as a licensed nursing 52294
home administrator. 52295

(B) A temporary license for a period not to exceed one 52296
hundred eighty days may be issued to an individual temporarily 52297
filling the position of a nursing home administrator vacated by 52298
reason of death, illness, or other unexpected cause, pursuant to 52299
regulations adopted by the board. 52300

(C) The fee for a temporary license is one hundred dollars. 52301
Said fee must accompany the application for the temporary license. 52302

(D) Any license or temporary license issued by the board 52303
pursuant to this section shall be under the hand of the 52304
chairperson and the secretary of the board. 52305

(E) A duplicate of the original certificate of registration 52306
or license may be secured to replace one that has been lost or 52307
destroyed by submitting to the board a notarized statement 52308
explaining the conditions of the loss, mutilation, or destruction 52309
of the certificate or license and by paying a fee of twenty-five 52310
dollars. 52311

(F) A duplicate certificate of registration and license may 52312
be issued in the event of a legal change of name by submitting to 52313
the board a certified copy of the court order or marriage license 52314
establishing the change of name, by returning at the same time the 52315
original license and certificate of registration, and by paying a 52316
fee of twenty-five dollars. 52317

Sec. 4751.07. (A) Every individual who holds a valid license 52318

as a nursing home administrator issued under division (A) of 52319
section 4751.06 of the Revised Code, shall immediately upon 52320
issuance thereof be registered with the board of examiners of 52321
nursing home administrators and be issued a certificate of 52322
registration. Such individual shall annually apply to the board 52323
for a new certificate of registration on forms provided for such 52324
purpose prior to the expiration of the certificate of registration 52325
and shall at the same time submit satisfactory evidence to the 52326
board of having attended such continuing education programs or 52327
courses of study as may be prescribed in rules adopted by the 52328
board. 52329

(B) Upon making an application for a new certificate of 52330
registration such individual shall pay the annual registration fee 52331
of two hundred ~~ten~~ fifty dollars. 52332

(C) Upon receipt of such application for registration and the 52333
registration fee required by divisions (A) and (B) of this 52334
section, the board shall issue a certificate of registration to 52335
such nursing home administrator. 52336

(D) The license of a nursing home administrator who fails to 52337
comply with this section shall automatically lapse. 52338

(E) A nursing home administrator who has been licensed and 52339
registered in this state who determines to temporarily abandon the 52340
practice of nursing home administration shall notify the board in 52341
writing immediately; provided, that such individual may thereafter 52342
register to resume the practice of nursing home administration 52343
within the state upon complying with the requirements of this 52344
section regarding annual registration. 52345

(F) Only an individual who has qualified as a licensed and 52346
registered nursing home administrator under Chapter 4751. of the 52347
Revised Code and the rules adopted thereunder, and who holds a 52348
valid current registration certificate pursuant to this section, 52349

may use the title "nursing home administrator," or the 52350
abbreviation "N.H.A." after the individual's name. No other person 52351
shall use such title or such abbreviation or any other words, 52352
letters, sign, card, or device tending to indicate or to imply 52353
that the person is a licensed and registered nursing home 52354
administrator. 52355

(G) Every person holding a valid license entitling the person 52356
to practice nursing home administration in this state shall 52357
display said license in the nursing home which is the person's 52358
principal place of employment, and while engaged in the practice 52359
of nursing home administration shall have at hand the current 52360
registration certificate. 52361

(H) Every person holding a valid temporary license shall have 52362
such license at hand while engaged in the practice of nursing home 52363
administration. 52364

Sec. 4759.08. (A) The Ohio board of dietetics shall charge 52365
and collect fees as described in this section for issuing the 52366
following: 52367

(1) An application for an initial dietitian license, or an 52368
application for ~~reinstatement~~ reactivation of an inactive license, 52369
one hundred ~~ten~~ twenty-five dollars, and for reinstatement of a 52370
lapsed, revoked, or suspended license, one hundred ~~sixty-five~~ 52371
eighty dollars; 52372

(2) License renewal, ~~eighty~~ ninety-five dollars; 52373

(3) A limited permit, and renewal of the permit, ~~fifty-five~~ 52374
sixty-five dollars; 52375

(4) A duplicate license or permit, twenty dollars; 52376

(5) For processing a late application for renewal of any 52377
license or permit, an additional fee equal to fifty per cent of 52378
the fee for the renewal. 52379

(B) The board shall not require a licensed dietitian holding an inactive license to pay the renewal fee. 52380
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(C) Subject to the approval of the controlling board, the Ohio board of dietetics may establish fees in excess of the amounts provided in division (A) of this section, provided that the fees do not exceed the amounts by greater than fifty per cent. 52382
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(D) The board may adopt rules pursuant to Chapter 119. of the Revised Code to waive all or part of the fee for an initial license if the license is issued within one hundred days of the date of expiration of the license. 52386
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(E) All receipts of the board shall be deposited in the state treasury to the credit of the occupational licensing and regulatory fund. All vouchers of the board shall be approved by the chairperson or secretary of the board, or both, as authorized by the board. 52390
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Sec. 4771.22. The Ohio athletic commission shall deposit all money it receives under this chapter to the credit of the ~~athlete agents registration~~ occupational licensing and regulatory fund, which is hereby created in the state treasury. The commission shall use the fund to administer and enforce this chapter under section 4743.05 of the Revised Code. 52395
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Sec. 4779.08. (A) The state board of orthotics, prosthetics, and pedorthics shall adopt rules in accordance with Chapter 119. of the Revised Code to carry out the purposes of this chapter, including rules prescribing all of the following: 52401
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(1) The form and manner of filing of applications to be admitted to examinations and for licensure and license renewal; 52405
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(2) Standards and procedures for formulating, evaluating, approving, and administering licensing examinations or recognizing 52407
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other entities that conduct examinations;	52409
(3) The form, scoring, and scheduling of licensing examinations;	52410 52411
(4) Fees for examinations and applications for licensure and license renewal;	52412 52413
(5) Fees for approval of continuing education courses;	52414
(6) Procedures for issuance, renewal, suspension, and revocation of licenses and the conduct of disciplinary hearings;	52415 52416
(7) Standards of ethical and professional conduct in the practice of orthotics, prosthetics, and pedorthics;	52417 52418
(8) Standards for approving national certification organizations in orthotics, prosthetics, and pedorthics;	52419 52420
(9) Fines for violations of this chapter;	52421
(10) Standards for the recognition and approval of educational programs required for licensure, including standards for approving foreign educational credentials;	52422 52423 52424
(11) Standards for continuing education programs required for license renewal;	52425 52426
(12) Provisions for making available the information described in section 4779.22 of the Revised Code.	52427 52428
(B) The board may adopt any other rules necessary for the administration of this chapter.	52429 52430
(C) The fees prescribed by this section shall be paid to the treasurer of state, who shall from the effective date of this section until December 31, 2004, deposit the fees in the occupational licensing and regulatory fund established in section 4743.05 of the Revised Code.	52431 52432 52433 52434 52435
Sec. 4779.17. The state board of orthotics, prosthetics, and	52436

pedorthics shall issue a license under section 4779.09 of the Revised Code to practice orthotics, prosthetics, orthotics and prosthetics, or pedorthics without examination to an applicant who meets all of the following requirements:

(A) Applies to the board in accordance with section 4779.09 of the Revised Code;

(B) Holds a license to practice orthotics, prosthetics, orthotics and prosthetics, or pedorthics issued by the appropriate authority of another state;

(C) One of the following applies:

(1) In the case of an applicant for a license to practice orthotics, the applicant meets the requirements in divisions (A)(2) and (3) of section 4779.10 of the Revised Code.

(2) In the case of an applicant for a license to practice prosthetics, the applicant meets the requirements in divisions (A)(2) and (3) of section 4779.11 of the Revised Code.

(3) In the case of an applicant for a license to practice orthotics and prosthetics, the applicant meets the requirements in divisions (A)(2) and (3) of section 4779.12 of the Revised Code.

(4) In the case of an applicant for a license to practice pedorthics, the applicant meets the requirements in divisions (B) and (C) of section 4779.13 of the Revised Code.

(D) The fees prescribed by this section shall be paid to the treasurer of state, who shall ~~from the effective date of this section until December 31, 2004,~~ deposit the fees in the occupational licensing and regulatory fund established in section 4743.05 of the Revised Code.

Sec. 4779.18. (A) The state board of orthotics, prosthetics, and pedorthics shall issue a temporary license to an individual who meets all of the following requirements:

(1) Applies to the board in accordance with rules adopted	52467
under section 4779.08 of the Revised Code and pays the application	52468
fee specified in the rules;	52469
(2) Is eighteen years of age or older;	52470
(3) Is of good moral character;	52471
(4) One of the following applies:	52472
(a) In the case of an applicant for a license to practice	52473
orthotics, the applicant meets the requirements in divisions	52474
(A)(2) and (3) of section 4779.10 of the Revised Code.	52475
(b) In the case of an applicant for a license to practice	52476
prosthetics, the applicant meets the requirements in divisions	52477
(A)(2) and (3) of section 4779.11 of the Revised Code.	52478
(c) In the case of an applicant for a license to practice	52479
orthotics and prosthetics, the applicant meets the requirements in	52480
divisions (A)(2) and (3) of section 4779.12 of the Revised Code.	52481
(d) In the case of an applicant for a license to practice	52482
pedorthics, the applicant meets the requirements in divisions (B)	52483
and (C) of section 4779.13 of the Revised Code.	52484
(B) A temporary license issued under this section is valid	52485
for one year and may be renewed once in accordance with rules	52486
adopted by the board under section 4779.08 of the Revised Code.	52487
An individual who holds a temporary license may practice	52488
orthotics, prosthetics, orthotics and prosthetics, or pedorthics	52489
only under the supervision of an individual who holds a license	52490
issued under section 4779.09 of the Revised Code in the same area	52491
of practice.	52492
(C) The fees prescribed by this section shall be paid to the	52493
treasurer of state, who shall from the effective date of this	52494
section until December 31, 2004, deposit the fees in the	52495
occupational licensing and regulatory fund established in section	52496

4743.05 of the Revised Code. 52497

Sec. 4903.24. If the public utilities commission finds after 52498
investigating that any rate, joint rate, fare, charge, toll, 52499
rental, schedule, or classification of service is unjust, 52500
unreasonable, insufficient, unjustly discriminatory, unjustly 52501
preferential, or in violation of law, or that any service is 52502
inadequate or cannot be obtained, the public utility found to be 52503
at fault shall pay the expenses incurred by the commission upon 52504
such investigation. 52505

All fees, expenses, and costs of, or in connection with, any 52506
hearing or investigation may be imposed by the commission upon any 52507
party to the record or may be divided among any parties to the 52508
record in such proportion as the commission determines. 52509

All fees, expenses, and costs authorized and collected under 52510
this section shall be deposited to the credit of the special 52511
assessment fund, which is hereby created in the state treasury. 52512
Money in the fund shall be used by the commission for the purpose 52513
of covering the costs of any investigations or hearings it orders 52514
regarding any public utility. 52515

Sec. 4905.79. Any telephone company, as defined in ~~division~~ 52516
~~(D)(2)~~ of section 5727.01 of the Revised Code, that is required to 52517
provide any telephone service program implemented after March 27, 52518
1991, to aid the communicatively impaired in accessing the 52519
telephone network shall be allowed a tax credit for the costs of 52520
any such program under section ~~5727.44~~ 5733.56 of the Revised 52521
Code. Relative to any such program, the public utilities 52522
commission, in accordance with its rules, shall allow interested 52523
parties to intervene and participate in any proceeding or part of 52524
a proceeding brought before the commission pursuant to this 52525
section. The commission shall adopt rules it considers necessary 52526

to carry out this section. 52527

Sec. 4905.91. For the purpose of protecting the public safety 52528
with respect to intrastate pipe-line transportation by any 52529
operator: 52530

(A) The public utilities commission shall: 52531

(1) Adopt, and may amend or rescind, rules to carry out 52532
sections 4905.90 to 4905.96 of the Revised Code, including rules 52533
concerning pipe-line safety, drug testing, and enforcement 52534
procedures. The commission shall adopt these rules only after 52535
notice and opportunity for public comment. The rules adopted under 52536
this division and any orders issued under sections 4905.90 to 52537
4905.96 of the Revised Code constitute the pipe-line safety code. 52538
The commission shall administer and enforce that code. 52539

(2) Make certifications and reports to the United States 52540
department of transportation as required under the Natural Gas 52541
Pipeline Safety Act. 52542

(B) The commission may: 52543

(1) Investigate any service, act, practice, policy, or 52544
omission by any operator to determine its compliance with sections 52545
4905.90 to 4905.96 of the Revised Code and the pipe-line safety 52546
code; 52547

(2) Investigate any intrastate pipe-line transportation 52548
facility to determine if it is hazardous to life or property, as 52549
provided in 82 Stat. 720 (1968), 49 U.S.C.A. App. 1679b(b)(2) and 52550
(3); 52551

(3) Investigate the existence or report of any safety-related 52552
condition that involves any intrastate pipe-line transportation 52553
facility; 52554

(4) Enter into and perform contracts or agreements with the 52555
United States department of transportation to inspect interstate 52556

transmission facilities pursuant to the Natural Gas Pipeline Safety Act; 52557
52558

(5) Accept grants-in-aid, ~~funds~~ cash, and reimbursements 52559
provided for or made available to this state by the federal 52560
government to carry out the Natural Gas Pipeline Safety Act or to 52561
enforce sections 4905.90 to 4905.96 of the Revised Code and the 52562
pipe-line safety code. All such grants-in-aid, cash, and 52563
reimbursements shall be deposited to the credit of the gas 52564
pipe-line safety fund, which is hereby created in the state 52565
treasury, to be used by the commission for the purpose of carrying 52566
out this section. 52567

(C) The commission's regulation of gathering lines shall 52568
conform to the regulation of gathering lines in 49 C.F.R. ~~parts~~ 52569
192 and 199, as amended, and the commission's annual certification 52570
agreements with the United States department of transportation, 52571
except that rule 4901:1-16-03, paragraph (D) of rule 4901:1-16-05, 52572
and rule 4901:1-16-06 of the Ohio Administrative Code shall also 52573
apply to gathering lines. The procedural rules under chapter 52574
4901:1-16 of the Ohio Administrative Code shall also apply to 52575
operators of gathering lines. 52576

Sec. 4919.79. (A) The public utilities commission may adopt 52577
safety rules applicable to the highway transportation and offering 52578
for transportation of hazardous materials in interstate commerce, 52579
which highway transportation takes place into or through this 52580
state. 52581

(B) The commission may adopt safety rules applicable to the 52582
highway transportation of persons or property in interstate 52583
commerce, which transportation takes place into or through this 52584
state. 52585

(C) Rules adopted under divisions (A) and (B) of this section 52586
shall be consistent with, and equivalent in scope, coverage, and 52587

content to, the "Hazardous Materials Transportation Act," 88 Stat. 52588
2156 (1975), 49 U.S.C.A. 1801, as amended, and regulations adopted 52589
under it, and the "Motor Carrier Safety Act of 1984," 98 Stat. 52590
2832, 49 U.S.C.A. 2501, and regulations adopted under it, 52591
respectively. No person shall violate a rule adopted under 52592
division (A) or (B) of this section or any order of the commission 52593
issued to secure compliance with any such rule. 52594

(D) The commission shall cooperate with, and permit the use 52595
of, the services, records, and facilities of the commission as 52596
fully as practicable by appropriate officers of the interstate 52597
commerce commission, the United States department of 52598
transportation, and other federal agencies or commissions and 52599
appropriate commissions of other states in the enforcement and 52600
administration of state and federal laws relating to highway 52601
transportation by motor vehicles. The commission may enter into 52602
cooperative agreements with the interstate commerce commission, 52603
the United States department of transportation, and any other 52604
federal agency or commission to enforce the economic and safety 52605
laws and rules of this state and of the United States concerning 52606
highway transportation by motor vehicles. All grants-in-aid, cash, 52607
and reimbursements received by the commission pursuant to those 52608
cooperative agreements shall be deposited to the credit of the 52609
motor carrier safety fund, which is hereby created in the state 52610
treasury, to be used by the commission for the purpose of carrying 52611
out this section. 52612

(E) To achieve the purposes of this section, the commission 52613
may, through its inspectors or other authorized employees, inspect 52614
any vehicles of carriers of persons or property in interstate 52615
commerce subject to the safety rules prescribed by this section 52616
and may enter upon the premises and vehicles of such carriers to 52617
examine any of the carriers' records or documents that relate to 52618
the safety of operation of such carriers. In order to assist the 52619

commission in the performance of its duties under this section, 52620
authorized employees of the commercial motor vehicle safety 52621
enforcement unit, division of state highway patrol, of the 52622
department of public safety may enter in or upon, for purposes of 52623
inspection, any vehicle of any such carrier. 52624

In order to inspect motor vehicles owned or operated by 52625
private motor carriers of persons, authorized employees of the 52626
commercial motor vehicle safety enforcement unit, division of 52627
state highway patrol, of the department of public safety may enter 52628
in or upon the premises of any private carrier of persons in 52629
interstate commerce, subject to the safety rules prescribed by 52630
this section. 52631

Sec. 4931.45. (A) A final plan may be amended to expand the 52632
territory included in the countywide 9-1-1 system, to upgrade any 52633
part or all of a system from basic 9-1-1 to enhanced 9-1-1 52634
service, to adjust the territory served by a public safety 52635
answering point, to represcribe the funding of public safety 52636
answering points as between the alternatives set forth in division 52637
(B)(5) of section 4931.43 of the Revised Code, or to make any 52638
other necessary adjustments to the plan only by convening a new 52639
9-1-1 planning committee, and adopting an amended final plan. The 52640
convening of a new 9-1-1 planning committee and the proposal and 52641
adoption of an amended final plan shall be made in the same manner 52642
required for the convening of an initial committee and adoption of 52643
an original proposed and final plan under sections 4931.42 to 52644
4931.44 of the Revised Code. Adoption of any resolution under 52645
section 4931.51 of the Revised Code pursuant to a final plan that 52646
both has been adopted and provides for funding through charges 52647
imposed under that section is not an amendment of a final plan for 52648
the purpose of this division. 52649

(B) When a final plan is amended to expand the territory that 52650

receives 9-1-1 service or to upgrade a 9-1-1 system from basic to 52651
enhanced 9-1-1 service, ~~the provisions of~~ sections 4931.47 and 52652
~~5727.39~~ 5733.55 of the Revised Code apply with respect to the 52653
telephone company's recovery of the nonrecurring and recurring 52654
rates and charges for the telephone network portion of the system. 52655

Sec. 4931.47. (A) In accordance with Chapters 4901., 4903., 52656
4905., 4909., and 4931. of the Revised Code, the public utilities 52657
commission shall determine the just, reasonable, and compensatory 52658
rates, tolls, classifications, charges, or rentals to be observed 52659
and charged for the telephone network portion of a basic and 52660
enhanced 9-1-1 system, and each telephone company participating in 52661
the system shall be subject to such chapters, to the extent they 52662
apply, as to the service provided by its portion of the telephone 52663
network system as described in the final plan or to be installed 52664
pursuant to agreements under section 4931.48 of the Revised Code, 52665
and as to the rates, tolls, classifications, charges, or rentals 52666
to be observed and charged for that service. 52667

(B) Only the customers of a participating telephone company 52668
that are served within the area covered by a 9-1-1 system shall 52669
pay the recurring rates for the maintenance and operation of the 52670
telephone network in providing 9-1-1 service. Such rates shall be 52671
computed by dividing the total monthly recurring rates set forth 52672
in a telephone company's schedule as filed in accordance with 52673
section 4905.30 of the Revised Code, by the total number of 52674
residential and business customer access lines, or their 52675
equivalent, within the area served. Each residential and business 52676
customer within the area served shall pay the recurring rates 52677
based on the number of its residential and business customer 52678
access lines or their equivalent. No company may include such 52679
amount on any customer's bill until the company has completed its 52680
portion of the telephone network in accordance with the terms, 52681
conditions, requirements, and specifications of the final plan or 52682

an agreement made under section 4931.48 of the Revised Code. 52683

(C)(1) Except as otherwise provided in division (C)(2) of 52684
this section, the total nonrecurring charges for the telephone 52685
network used in providing 9-1-1 service, as set forth in the 52686
schedule filed by a telephone company in accordance with section 52687
4905.30 of the Revised Code, on completion of the installation of 52688
the network in accordance with the terms, conditions, 52689
requirements, and specifications of the final plan or pursuant to 52690
section 4931.48 of the Revised Code shall be recovered by the 52691
company through the credit authorized by section ~~5727.39~~ 5733.55 52692
of the Revised Code. 52693

(2) The credit shall not be allowed for upgrading of a system 52694
from basic to enhanced 9-1-1 service when: 52695

(a) The telephone company received the credit for the 52696
telephone network portion of the basic 9-1-1 system now proposed 52697
to be upgraded; and 52698

(b) At the time the final plan or agreement pursuant to 52699
section 4931.48 of the Revised Code calling for the basic 9-1-1 52700
system was agreed to, the telephone company was capable of 52701
reasonably meeting the technical and economic requirements of 52702
providing the telephone network portion of an enhanced 9-1-1 52703
system within the territory proposed to be upgraded, as determined 52704
by the public utilities commission under division (A) or (H) of 52705
section 4931.41 or division (C) of section 4931.48 of the Revised 52706
Code. 52707

(3) When the credit is not allowed under division (C)(2) of 52708
this section, the total nonrecurring charges for the telephone 52709
network used in providing 9-1-1 service, as set forth in the 52710
schedule filed by a telephone company in accordance with section 52711
4905.30 of the Revised Code, on completion of the installation of 52712
the network in accordance with the terms, conditions, 52713

requirements, and specifications of the final plan or pursuant to 52714
section 4931.48 of the Revised Code, shall be paid by the 52715
municipal corporations and townships with any territory in the 52716
area in which such upgrade from basic to enhanced 9-1-1 service is 52717
made. 52718

(D) Where customer premises equipment for a public safety 52719
answering point is supplied by a telephone company that is 52720
required to file a schedule under section 4905.30 of the Revised 52721
Code pertaining to customer premises equipment, the recurring and 52722
nonrecurring rates and charges for the installation and 52723
maintenance of the equipment specified in the schedule shall 52724
apply. 52725

Sec. 4931.48. (A) If a final plan is disapproved under 52726
division (B) of section 4931.44 of the Revised Code, by 52727
resolution, the legislative authority of a municipal corporation 52728
or township that contains at least thirty per cent of the county's 52729
population may establish within its boundaries, or the legislative 52730
authorities of a group of municipal corporations or townships each 52731
of which is contiguous with at least one other such municipal 52732
corporation or township in the group, together containing at least 52733
thirty per cent of the county's population, may jointly establish 52734
within their boundaries a 9-1-1 system. For this purpose, the 52735
municipal corporation or township may enter into an agreement, and 52736
the contiguous municipal corporations or townships may jointly 52737
enter into an agreement with a telephone company providing service 52738
in the municipal corporations or townships to provide for the 52739
telephone network portion of the system. 52740

(B) If no resolution has been adopted to convene a 9-1-1 52741
planning committee under section 4931.42 of the Revised Code, but 52742
not sooner than eighteen months after the effective date of such 52743
section, by resolution, the legislative authority of any municipal 52744

corporation in the county may establish within its boundaries, or 52745
the legislative authorities of a group of municipal corporations 52746
and townships each of which is contiguous to at least one of the 52747
other such municipal corporations or townships in the group may 52748
jointly establish within their boundaries, a 9-1-1 system. The 52749
municipal corporation or contiguous municipal corporations and 52750
townships, may enter into an agreement with a telephone company 52751
serving ~~customers~~ customers within the boundaries of the municipal 52752
corporation or contiguous municipal corporations and townships, to 52753
provide for the telephone network portion of a 9-1-1 system. 52754

(C) Whenever a telephone company and one or more municipal 52755
corporations and townships enter into an agreement under this 52756
section to provide for the telephone network portion of a basic 52757
9-1-1 system, the telephone company shall so notify the public 52758
utilities commission, which shall determine whether the telephone 52759
company is capable of reasonably meeting the technical and 52760
economic requirements of providing the telephone network for an 52761
enhanced system within the territory served by the company and 52762
covered by the agreement. The determination shall be made solely 52763
for the purposes of division (C)(2) of section 4931.47 of the 52764
Revised Code. 52765

(D) Within three years from the date of entering into an 52766
agreement under division (A) or (B) of this section, the telephone 52767
company shall have installed the telephone network portion of the 52768
9-1-1 system according to the terms, conditions, requirements, and 52769
specifications set forth in the agreement. 52770

(E) The telephone company shall recover the cost of 52771
installing the telephone network system pursuant to agreements 52772
made under this section as provided in ~~sections~~ section 4931.47 52773
~~and 5727.39~~ of the Revised Code, as authorized under section 52774
5733.55 of the Revised Code. 52775

Sec. 4973.17. (A) Upon the application of any bank, building 52776
and loan association, or association of banks or building and loan 52777
associations in this state, the ~~governor~~ secretary of state may 52778
appoint and commission any persons that the bank, building and 52779
loan association, or association of banks or building and loan 52780
associations designates, or as many of those persons as the 52781
~~governor~~ secretary of state considers proper, to act as police 52782
officers for and on the premises of that bank, building and loan 52783
association, or association of banks or building and loan 52784
associations, or elsewhere, when directly in the discharge of 52785
their duties. Police officers so appointed shall be citizens of 52786
this state and of good character. They shall hold office for three 52787
years, unless, for good cause shown, their commission is revoked 52788
by the ~~governor~~ secretary of state, or by the bank, building and 52789
loan association, or association of banks or building and loan 52790
associations, as provided by law. 52791

(B) Upon the application of a company owning or using a 52792
railroad in this state and subject to section 4973.171 of the 52793
Revised Code, the ~~governor~~ secretary of state may appoint and 52794
commission any persons that the railroad company designates, or as 52795
many of those persons as the ~~governor~~ secretary of state considers 52796
proper, to act as police officers for and on the premises of the 52797
railroad company, its affiliates or subsidiaries, or elsewhere, 52798
when directly in the discharge of their duties. Police officers so 52799
appointed, within the time set by the Ohio peace officer training 52800
commission, shall successfully complete a commission approved 52801
training program and be certified by the commission. They shall 52802
hold office for three years, unless, for good cause shown, their 52803
commission is revoked by the ~~governor~~ secretary of state, or 52804
railroad company, as provided by law. 52805

Any person holding a similar commission in another state may 52806

be commissioned and may hold office in this state without 52807
completing the approved training program required by this division 52808
provided that ~~that~~ the person has completed a substantially 52809
equivalent training program in the other state. The Ohio peace 52810
officer training commission shall determine whether a training 52811
program in another state meets the requirements of this division. 52812

(C) Upon the application of any company under contract with 52813
the United States atomic energy commission for the construction or 52814
operation of a plant at a site owned by ~~such~~ the commission, the 52815
~~governor~~ secretary of state may appoint and commission ~~such~~ 52816
persons ~~as~~ the company designates, not to exceed one hundred 52817
fifty, to act as police officers for the company at the plant or 52818
site owned by ~~such~~ the commission. Police officers so appointed 52819
shall be citizens of this state and of good character. They shall 52820
hold office for three years, unless, for good cause shown, their 52821
commission is revoked by the ~~governor~~ secretary of state or by the 52822
company, as provided by law. 52823

(D)(1) Upon the application of any hospital that is operated 52824
by a public hospital agency or a nonprofit hospital agency and 52825
that employs and maintains its own proprietary police department 52826
or security department and subject to section 4973.171 of the 52827
Revised Code, the ~~governor~~ secretary of state may appoint and 52828
commission any persons that the hospital designates, or as many of 52829
those persons as the ~~governor~~ secretary of state considers proper, 52830
to act as police officers for the hospital. No person who is 52831
appointed as a police officer under this division shall engage in 52832
any duties or activities as a police officer for the hospital or 52833
any affiliate or subsidiary of the hospital unless all of the 52834
following apply: 52835

(a) The chief of police of the municipal corporation in which 52836
the hospital is located~~7~~ or~~7~~ if the hospital is located in the 52837
unincorporated area of a county, the sheriff of that county~~7~~ has 52838

granted approval to the hospital to permit persons appointed as 52839
police officers under this division to engage in those duties and 52840
activities. The approval required by this division is general in 52841
nature and is intended to cover in the aggregate all persons 52842
appointed as police officers for the hospital under this division; 52843
a separate approval is not required for each appointee on an 52844
individual basis. 52845

(b) Subsequent to the grant of approval described in division 52846
(D)(1)(a) of this section, the hospital has entered into a written 52847
agreement with the chief of police of the municipal corporation in 52848
which the hospital is located, or, if the hospital is located in 52849
the unincorporated area of a county, with the sheriff of that 52850
county, that sets forth the standards and criteria to govern the 52851
interaction and cooperation between persons appointed as police 52852
officers for the hospital under this division and law enforcement 52853
officers serving the agency represented by the chief of police or 52854
sheriff who signed the agreement in areas of their concurrent 52855
jurisdiction. The written agreement shall be signed by the 52856
appointing authority of the hospital and by the chief of police or 52857
sheriff. The standards and criteria may include, but are not 52858
limited to, provisions governing the reporting of offenses 52859
discovered by hospital police officers to the agency represented 52860
by the chief of police or sheriff, provisions governing 52861
investigatory responsibilities relative to offenses committed on 52862
hospital property, and provisions governing the processing and 52863
confinement of persons arrested for offenses committed on hospital 52864
property. The agreement required by this division is intended to 52865
apply in the aggregate to all persons appointed as police officers 52866
for the hospital under this division; a separate agreement is not 52867
required for each appointee on an individual basis. 52868

(c) The person has successfully completed a training program 52869
approved by the Ohio peace officer training commission and has 52870

been certified by the commission. A person appointed as a police officer under this division may attend a training program approved by the commission and be certified by the commission regardless of whether the appropriate chief of police or sheriff has granted the approval described in division (D)(1)(a) of this section and regardless of whether the hospital has entered into the written agreement described in division (D)(1)(b) of this section with the appropriate chief of police or sheriff.

(2)(a) A person who is appointed as a police officer under division (D)(1) of this section is entitled, upon the grant of approval described in division (D)(1)(a) of this section and upon ~~that~~ the person's and the hospital's compliance with the requirements of divisions (D)(1)(b) and (c) of this section, to act as a police officer for the hospital on the premises of the hospital and of its affiliates and subsidiaries that are within the territory of the municipal corporation served by the chief of police or the unincorporated area of the county served by the sheriff who signed the written agreement described in division (D)(1)(b) of this section, whichever is applicable, and anywhere else within the territory of that municipal corporation or within the unincorporated area of that county. The authority to act as a police officer as described in this division is granted only if the person, when engaging in that activity, is directly in the discharge of ~~that~~ the person's duties as a police officer for the hospital. The authority to act as a police officer as described in this division shall be exercised in accordance with the standards and criteria set forth in the written agreement described in division (D)(1)(b) of this section.

(b) Additionally, a person appointed as a police officer under division (D)(1) of this section is entitled, upon the grant of approval described in division (D)(1)(a) of this section and upon ~~that~~ the person's and the hospital's compliance with the

requirements of divisions (D)(1)(b) and (c) of this section, to 52903
act as a police officer elsewhere, within the territory of a 52904
municipal corporation or within the unincorporated area of a 52905
county, if the chief of police of that municipal corporation or 52906
the sheriff of that county, respectively, has granted approval for 52907
that activity to the hospital, police department, or security 52908
department served by the person as a police officer and if the 52909
person, when engaging in that activity, is directly in the 52910
discharge of ~~that~~ the person's duties as a police officer for the 52911
hospital. The approval described in this division may be general 52912
in nature or may be limited in scope, duration, or applicability, 52913
as determined by the chief of police or sheriff granting the 52914
approval. 52915

(3) Police officers appointed under division (D)(1) of this 52916
section shall hold office for three years, unless, for good cause 52917
shown, their commission is revoked by the ~~governor~~ secretary of 52918
state or by the hospital, as provided by law. As used in divisions 52919
(D)(1) to (3) of this section, "public hospital agency" and 52920
"nonprofit hospital agency" have the same ~~meaning~~ meanings as in 52921
section 140.01 of the Revised Code. 52922

(E) A fee of ~~five~~ fifteen dollars for each commission applied 52923
for under this section shall be paid at the time the application 52924
is made, and this amount shall be returned if for any reason a 52925
commission is not issued. 52926

Sec. 4981.20. (A) Any real or personal property, or both, of 52927
the Ohio rail development commission that is acquired, 52928
constructed, reconstructed, enlarged, improved, furnished, or 52929
equipped, or any combination thereof, and leased or subleased 52930
under authority of sections 4981.11 to 4981.26 of the Revised Code 52931
shall be subject to ad valorem, sales, use, and franchise taxes 52932
and to zoning, planning, and building regulations and fees, to the 52933

same extent and in the same manner as if the lessee-user or 52934
sublessee-user thereof, rather than the issuer, had acquired, 52935
constructed, reconstructed, enlarged, improved, furnished, or 52936
equipped, or any combination thereof, such real or personal 52937
property, and title thereto was in the name of such lessee-user or 52938
sublessee-user. 52939

The transfer of tangible personal property by lease or 52940
sublease under authority of sections 4981.11 to 4981.26 of the 52941
Revised Code is not a sale as used in Chapter 5739. of the Revised 52942
Code. The exemptions provided in divisions (B)(1) and ~~(14)~~(13) of 52943
section 5739.02 of the Revised Code shall not be applicable to 52944
purchases for a project under sections 4981.11 to 4981.26 of the 52945
Revised Code. 52946

The issuer shall be exempt from all taxes on its real or 52947
personal property, or both, which has been acquired, constructed, 52948
reconstructed, enlarged, improved, furnished, or equipped, or any 52949
combination thereof, under sections 4981.11 to 4981.26 of the 52950
Revised Code so long as such property is used by the issuer for 52951
purposes which would otherwise exempt such property; has ceased to 52952
be used by a former lessee-user or sublessee-user and is not 52953
occupied or used; or has been acquired by the issuer but 52954
development has not yet commenced. The exemption shall be 52955
effective as of the date the exempt use begins. All taxes on the 52956
exempt real or personal property for the year should be prorated 52957
and the taxes for the exempt portion of the year shall be remitted 52958
by the county auditor. 52959

(B) Bonds issued under sections 4981.11 to 4981.26 of the 52960
Revised Code, the transfer thereof, and the interest and other 52961
income from the bonds, including any profit made on the sale 52962
thereof, are free from taxation within the state. 52963

Sec. 5101.11. This section does not apply to contracts 52964

entered into under section ~~5111.022~~, 5111.90, or 5111.91 of the Revised Code. 52965
52966

(A) As used in this section: 52967

(1) "Entity" includes an agency, board, commission, or 52968
department of the state or a political subdivision of the state; a 52969
private, nonprofit entity; a school district; a private school; or 52970
a public or private institution of higher education. 52971

(2) "Federal financial participation" means the federal 52972
government's share of expenditures made by an entity in 52973
implementing a program administered by the department of job and 52974
family services. 52975

(B) At the request of any public entity having authority to 52976
implement a program administered by the department of job and 52977
family services or any private entity under contract with a public 52978
entity to implement a program administered by the department, the 52979
department may seek to obtain federal financial participation for 52980
costs incurred by the entity. Federal financial participation may 52981
be sought from programs operated pursuant to Title IV-A, Title 52982
IV-E, and Title XIX of the "Social Security Act," 49 Stat. 620 52983
(1935), 42 U.S.C. 301, as amended; the "Food Stamp Act of 1964," 52984
78 Stat. 703, 7 U.S.C. 2011, as amended; and any other statute or 52985
regulation under which federal financial participation may be 52986
available, except that federal financial participation may be 52987
sought only for expenditures made with funds for which federal 52988
financial participation is available under federal law. 52989

(C) All funds collected by the department of job and family 52990
services pursuant to division (B) of this section shall be 52991
distributed to the entities that incurred the costs, except for 52992
any amounts retained by the department pursuant to division (D)(3) 52993
of this section. 52994

(D) In distributing federal financial participation pursuant 52995

to this section, the department may either enter into an agreement 52996
with the entity that is to receive the funds or distribute the 52997
funds in accordance with rules adopted under division (F) of this 52998
section. If the department decides to enter into an agreement to 52999
distribute the funds, the agreement may include terms that do any 53000
of the following: 53001

(1) Provide for the whole or partial reimbursement of any 53002
cost incurred by the entity in implementing the program; 53003

(2) In the event that federal financial participation is 53004
disallowed or otherwise unavailable for any expenditure, require 53005
the department of job and family services or the entity, whichever 53006
party caused the disallowance or unavailability of federal 53007
financial participation, to assume responsibility for the 53008
expenditures; 53009

(3) Permit the department to retain not more than five per 53010
cent of the amount of the federal financial participation to be 53011
distributed to the entity; 53012

(4) Require the public entity to certify the availability of 53013
sufficient unencumbered funds to match the federal financial 53014
participation it receives under this section; 53015

(5) Establish the length of the agreement, which may be for a 53016
fixed or a continuing period of time; 53017

(6) Establish any other requirements determined by the 53018
department to be necessary for the efficient administration of the 53019
agreement. 53020

(E) An entity that receives federal financial participation 53021
pursuant to this section for a program aiding children and their 53022
families shall establish a process for collaborative planning with 53023
the department of job and family services for the use of the funds 53024
to improve and expand the program. 53025

(F) The director of job and family services shall adopt rules 53026
as necessary to implement this section, including rules for the 53027
distribution of federal financial participation pursuant to this 53028
section. The rules shall be adopted in accordance with Chapter 53029
119. of the Revised Code. The director may adopt or amend any 53030
statewide plan required by the federal government for a program 53031
administered by the department, as necessary to implement this 53032
section. 53033

(G) Federal financial participation received pursuant to this 53034
section shall not be included in any calculation made under 53035
section 5101.16 or 5101.161 of the Revised Code. 53036

Sec. 5101.12. The department of job and family services shall 53037
maximize its receipt of federal revenue. In fulfilling this duty, 53038
the department may enter into contracts to maximize federal 53039
revenue without the expenditure of state money. In selecting 53040
private entities with which to contract, the department shall 53041
engage in a request for proposals process. The department, subject 53042
to the approval of the controlling board, may also directly enter 53043
into contracts with public entities providing revenue maximization 53044
services. 53045

Each year in January and July, the department shall submit a 53046
report to the office of budget and management outlining the 53047
department's success in maximizing federal revenue. The office of 53048
budget and management shall establish procedures and requirements 53049
for preparing and submitting the reports and shall compile data 53050
concerning the amount of federal revenue received by the 53051
department. The department shall submit a copy of each of its 53052
reports to the speaker and minority leader of the house of 53053
representatives, the president and minority leader of the senate, 53054
and the legislative service commission. 53055

Sec. 5101.14. (A) As used in this section and section 53056
5101.144 of the Revised Code, "children services" means services 53057
provided to children pursuant to Chapter 5153. of the Revised 53058
Code. 53059

(B) Within available funds, the department of job and family 53060
services shall ~~make payments~~ distribute funds to the counties 53061
within thirty days after the beginning of each calendar quarter 53062
for a part of ~~their~~ the counties' costs for children services ~~to~~ 53063
~~children performed pursuant to Chapter 5153. of the Revised Code.~~ 53064

Funds provided to the county under this section shall be 53065
deposited into the children services fund created pursuant to 53066
section 5101.144 of the Revised Code. 53067

~~(B)(1) The funds distributed under this section shall be used~~ 53068
~~for the following:~~ 53069

~~(a) Home based services to children and families;~~ 53070

~~(b) Protective services to children;~~ 53071

~~(c) To find, develop, and approve adoptive homes;~~ 53072

~~(d) Short term, out of home care and treatment for children;~~ 53073

~~(e) Costs for the care of a child who resides with a~~ 53074
~~caretaker relative, other than the child's parent, and is in the~~ 53075
~~legal custody of a public children services agency pursuant to a~~ 53076
~~voluntary temporary custody agreement entered into under division~~ 53077

~~(A) of section 5103.15 of the Revised Code or in the legal custody~~ 53078
~~of a public children services agency or the caretaker relative~~ 53079
~~pursuant to an allegation or adjudication of abuse, neglect, or~~ 53080
~~dependency made under Chapter 2151. of the Revised Code;~~ 53081

~~(f) Other services a public children services agency~~ 53082
~~considers necessary to protect children from abuse, neglect, or~~ 53083
~~dependency.~~ 53084

~~(2) No funds distributed under this section shall be used for 53085
the costs of maintaining a child in a children's home owned and 53086
operated by the county. 53087~~

(C) In each fiscal year, the amount of funds available for 53088
distribution under this section shall be allocated to counties as 53089
follows: 53090

(1) If the amount is less than the amount initially 53091
appropriated for the immediately preceding fiscal year, each 53092
county shall receive an amount equal to the percentage of the 53093
funding it received in the immediately preceding fiscal year, 53094
exclusive of any releases from or additions to the allocation or 53095
any sanctions imposed under this section; 53096

(2) If the amount is equal to the amount initially 53097
appropriated for the immediately preceding fiscal year, each 53098
county shall receive an amount equal to the amount it received in 53099
the preceding fiscal year, exclusive of any releases from or 53100
additions to the allocation or any sanctions imposed under this 53101
section; 53102

(3) If the amount is greater than the amount initially 53103
appropriated for the immediately preceding fiscal year, each 53104
county shall receive the amount determined under division (C)(2) 53105
of this section as a base allocation, plus a percentage of the 53106
amount that exceeds the amount initially appropriated for the 53107
immediately preceding fiscal year. The amount exceeding the amount 53108
initially appropriated in the immediately preceding fiscal year 53109
shall be allocated to the counties as follows: 53110

(a) Twelve per cent divided equally among all counties; 53111

(b) Forty-eight per cent in the ratio that the number of 53112
residents of the county under the age of eighteen bears to the 53113
total number of such persons residing in this state; 53114

(c) Forty per cent in the ratio that the number of residents 53115
of the county with incomes under the federal poverty guideline 53116
bears to the total number of such persons in this state. 53117

As used in division (C)(3)(c) of this section, "federal 53118
poverty guideline" means the poverty guideline as defined by the 53119
United States office of management and budget and revised by the 53120
United States secretary of health and human services in accordance 53121
with section 673 of the "Community Services Block Grant Act," 95 53122
Stat. 511 (1981), 42 U.S.C.A. 9902, as amended. 53123

~~(D) The director of job and family services may adopt rules 53124
as necessary for the allocation of funds under this section. The 53125
rules shall be adopted in accordance with section 111.15 of the 53126
Revised Code. 53127~~

~~(E)(1) As used in this division, "services to children" means 53128
children's protective services, home based services to children 53129
and families, foster home services, residential treatment 53130
services, adoptive services, and independent living services. 53131~~

~~(2) Except as otherwise provided in this section, the 53132
allocation of funds for a fiscal year to a county under this 53133
section shall be reduced by the department if in the preceding 53134
calendar year the total amount expended for services to children 53135
from local funds was less than the total expended from that source 53136
in the second preceding calendar year. The reduction shall be 53137
equal to the difference between the total expended in the 53138
preceding calendar year and the total expended in the second 53139
preceding calendar year. 53140~~

~~The determination of whether the amount expended for services 53141
to children was less in the preceding calendar year than in the 53142
second preceding calendar year shall not include a difference due 53143
to any of the following factors to the extent that the difference 53144
does not exceed the amount attributable to that factor: 53145~~

(a) An across the board reduction in the county budget as a whole;	53146
	53147
(b) A reduced or failed levy specifically earmarked for children services;	53148
	53149
(c) The closure of, or a reduction in the operating capacity of, a children's home owned and operated by the county.	53150
	53151
(3) Funds withheld under this division may be reallocated by the department to other counties. The department may grant whole or partial waivers of the provisions of this division.	53152
	53153
	53154
(F) Children who are in the temporary or permanent custody of a certified public or private nonprofit agency or institution, or who are in adoptions subsidized under division (B) of section 5153.163 of the Revised Code are eligible for medical assistance through the medical assistance program established under section 5111.01 of the Revised Code.	53155
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	53160
(G) Within ninety days after the end of each <u>state</u> fiscal year <u>biennium</u>, each county shall return any unspent funds to the department.	53161
	53162
	53163
(H) In accordance with Chapter 119. of the Revised Code, the (E) The director shall of job and family services may adopt, and may amend and rescind, the following rules in accordance with section 111.15 of the Revised Code:	53164
	53165
	53166
	53167
(1) Rules that are necessary for the allocation of funds under this section;	53168
	53169
(2) Rules prescribing reports on expenditures to be submitted by the counties as necessary for the implementation of this section.	53170
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	53172
Sec. 5101.141. (A) <u>As used in sections 5101.141 to 5101.1410 of the Revised Code, "Title IV-E" means Title IV-E of the "Social</u>	53173
	53174

Security Act," 94 Stat. 501, 42 U.S.C. 670 (1980), as amended. 53175

(B) The department of job and family services shall act as 53176
the single state agency to administer federal payments for foster 53177
care and adoption assistance made pursuant to Title IV-E ~~of the~~ 53178
~~"Social Security Act," 94 Stat. 501, 42 U.S.C.A. 670 (1980), as~~ 53179
~~amended.~~ The director of job and family services shall adopt rules 53180
to implement this authority. ~~Internal management rules~~ Rules 53181
governing financial and administrative requirements applicable to 53182
public children services agencies, ~~private child placing agencies,~~ 53183
and ~~private noncustodial agencies~~ government entities that provide 53184
Title IV-E reimbursable placement services to children shall be 53185
adopted in accordance with section 111.15 of the Revised Code, as 53186
if they were internal management rules. Rules governing 53187
requirements applicable to private child placing agencies and 53188
private noncustodial agencies and rules establishing eligibility, 53189
program participation, and other requirements concerning Title 53190
IV-E shall be adopted in accordance with Chapter 119. of the 53191
Revised Code. A public children services agency to which the 53192
department distributes Title IV-E funds shall administer the funds 53193
in accordance with those rules. 53194

~~(B)~~(C)(1) The county, on behalf of each child eligible for 53195
foster care maintenance payments under Title IV-E ~~of the "Social~~ 53196
~~Security Act,"~~ shall make payments to cover the cost of providing 53197
all of the following: 53198

(a) The child's food, clothing, shelter, daily supervision, 53199
and school supplies; 53200

(b) The child's personal incidentals; 53201

(c) Reasonable travel to the child's home for visitation. 53202

(2) In addition to payments made under division ~~(B)~~(C)(1) of 53203
this section, the county may, on behalf of each child eligible for 53204
foster care maintenance payments under Title IV-E ~~of the "Social~~ 53205

~~Security Act~~,² make payments to cover the cost of providing the 53206
following: 53207

(a) Liability insurance with respect to the child; 53208

(b) If the county is participating in the demonstration 53209
project established under division (A) of section 5101.142 of the 53210
Revised Code, services provided under the project. 53211

(3) With respect to a child who is in a child-care 53212
institution, including any type of group home designed for the 53213
care of children or any privately operated program consisting of 53214
two or more certified foster homes operated by a common 53215
administrative unit, the foster care maintenance payments made by 53216
the county on behalf of the child shall include the reasonable 53217
cost of the administration and operation of the institution, group 53218
home, or program, as necessary to provide the items described in 53219
divisions ~~(B)~~(C)(1) and (2) of this section. 53220

~~(C)~~(D) To the extent that either foster care maintenance 53221
payments under division ~~(B)~~ (C) of this section or Title IV-E 53222
adoption assistance payments for maintenance costs require the 53223
expenditure of county funds, the board of county commissioners 53224
shall report the nature and amount of each expenditure of county 53225
funds to the department. 53226

~~(D)~~(E) The department shall distribute to public children 53227
services agencies that incur and report such expenditures federal 53228
financial participation received for administrative and training 53229
costs incurred in the operation of foster care maintenance and 53230
adoption assistance programs. The department may withhold not more 53231
than three per cent of the federal financial participation 53232
received. The funds withheld may be used only to fund the Ohio 53233
child welfare training program established under section 5153.60 53234
of the Revised Code and the university partnership program for 53235
college and university students majoring in social work who have 53236

committed to work for a public children services agency upon 53237
graduation. The funds withheld shall be in addition to any 53238
administration and training cost for which the department is 53239
reimbursed through its own cost allocation plan. 53240

~~(E)~~(F) All federal financial participation funds received by 53241
a county pursuant to this section shall be deposited into the 53242
county's children services fund created pursuant to section 53243
5101.144 of the Revised Code. 53244

~~(F)~~(G) The department shall periodically publish and 53245
distribute the maximum amounts that the department will reimburse 53246
public children services agencies for making payments on behalf of 53247
children eligible for foster care maintenance payments. 53248

~~(G)~~(H) The department, by and through its director, is hereby 53249
authorized to develop, participate in the development of, 53250
negotiate, and enter into one or more interstate compacts on 53251
behalf of this state with agencies of any other states, for the 53252
provision of medical assistance and other social services to 53253
children in relation to whom all of the following apply: 53254

(1) They have special needs. 53255

(2) This state or another state that is a party to the 53256
interstate compact is providing adoption assistance on their 53257
behalf. 53258

(3) They move into this state from another state or move out 53259
of this state to another state. 53260

Sec. 5101.142. (A) The department of job and family services 53261
may apply to the United States secretary of health and human 53262
services for a waiver of requirements established under Title IV-E 53263
~~of the "Social Security Act," 94 Stat. 501, 42 U.S.C.A. 670~~ 53264
~~(1980)~~, or regulations adopted thereunder, to conduct a 53265
demonstration project expanding eligibility for and services 53266

provided under Title IV-E. The department may enter into 53267
agreements with the secretary necessary to implement the 53268
demonstration project, including agreements establishing the terms 53269
and conditions of the waiver authorizing the project. If a 53270
demonstration project is to be established, the department shall 53271
do all of the following: 53272

(1) Have the director of job and family services adopt rules 53273
in accordance with Chapter 119. of the Revised Code governing the 53274
project. The rules shall be consistent with the agreements the 53275
department enters into with the secretary. 53276

(2) Enter into agreements with public children services 53277
agencies that the department selects for participation in the 53278
project. The department shall not select an agency that objects to 53279
participation or refuses to be bound by the terms and conditions 53280
of the project. 53281

(3) Contract with persons or governmental agencies providing 53282
services under the project; 53283

(4) Amend the state plan required by section 471 of the 53284
"Social Security Act," 42 U.S.C.A. 671, as amended, as needed to 53285
implement the project; 53286

(5) Conduct ongoing evaluations of the project; 53287

(6) Perform other administrative and operational activities 53288
required by the agreement with the secretary. 53289

(B) The department may apply to the United States secretary 53290
of health and human services for a waiver of the requirements 53291
established under Title IV-B of the "Social Security Act of 1967," 53292
81 Stat. 821, 42 U.S.C.A. 620 or regulations adopted thereunder 53293
and established under any other federal law or regulations that 53294
affect the children services functions prescribed by Chapter 5153. 53295
of the Revised Code, to conduct demonstration projects or 53296
otherwise improve the effectiveness and efficiency of the children 53297

services function. 53298

~~Sec. 5101.144. As used in this section, "children services" means services provided to children pursuant to Chapter 5153. of the Revised Code.~~ 53299
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Each county shall deposit all funds its public children services agency receives from appropriations made by the board of county commissioners or any other source for the purpose of providing children services into a special fund in the county treasury known as the children services fund. A county shall use money in the fund only for the purposes of meeting the expenses of providing children services. 53302
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~~Sec. 5101.145. (A) For the purposes of this section, "Title IV-E" means Title IV-E of the "Social Security Act," 94 Stat. 501, 42 U.S.C.A. 670 (1980).~~ 53309
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~~(B)~~ In adopting rules under section 5101.141 of the Revised Code regarding financial requirements applicable to public children services agencies, private child placing agencies, ~~and~~ private noncustodial agencies, and government entities that provide Title IV-E reimbursable placement services to children, the department of job and family services shall establish both of the following: 53312
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(1) A single form for the agencies or entities to report costs reimbursable under Title IV-E and costs reimbursable under medicaid; 53319
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(2) Procedures to monitor cost reports submitted by the agencies or entities. 53322
53323

~~(C)~~(B) The procedures established under division ~~(B)~~(A)(2) of this section shall be implemented not later than October 1, 2003. The procedures shall be used to do both of the following: 53324
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53326

(1) Determine which of the costs are reimbursable under Title 53327
IV-E; 53328

(2) Ensure that costs reimbursable under medicaid are 53329
excluded from determinations made under division ~~(C)~~(B)(1) of this 53330
section. 53331

Sec. 5101.146. The department of job and family services 53332
shall establish the following penalties, which shall be enforced 53333
at the discretion of the department, for the failure of a public 53334
children services agency, private child placing agency, ~~or~~ private 53335
noncustodial agency, or government entity that provides Title IV-E 53336
reimbursable placement services to children to comply with 53337
procedures the department establishes to ensure fiscal 53338
accountability: 53339

(A) For initial failure, the department and the agency or 53340
entity involved shall jointly develop and implement a corrective 53341
action plan according to a specific schedule. If requested by the 53342
agency or entity involved, the department shall provide technical 53343
assistance to the agency or entity to ensure the fiscal 53344
accountability procedures and goals of the plan are met. 53345

(B) For subsequent failures or failure to achieve the goals 53346
of the plan described in division (A) of this section, ~~either one~~ 53347
of the following: 53348

(1) For public children services agencies, the department may 53349
take any action permitted under division ~~(B)(3)~~(C)(2), (4), ~~or~~ 53350
(5), or (6) of section 5101.24 of the Revised Code. 53351

(2) For private child placing agencies or private 53352
noncustodial agencies, cancellation of any Title IV-E allowability 53353
rates for the agency involved pursuant to section 5101.141 of the 53354
Revised Code or revocation pursuant to Chapter 119. of the Revised 53355
Code of that agency's certificate issued under section 5103.03 of 53356

the Revised Code; 53357

(3) For government entities, other than public children services agencies, that provide Title IV-E reimbursable placement services to children, cancellation of any Title IV-E allowability rates for the entity involved pursuant to section 5101.141 of the Revised Code. 53358
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Sec. 5101.1410. In addition to the remedies available under sections 5101.146 and 5101.24 of the Revised Code, the department of job and family services may certify a claim to the attorney general under section 131.02 of the Revised Code for the attorney general to take action under that section against a public children services agency, private child placing agency, private noncustodial agency, or government entity that provides Title IV-E reimbursable placement services to children if all of the following are the case: 53363
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(A) The agency or entity files a cost report with the department pursuant to rules adopted under division (B) of section 5101.141 of the Revised Code. 53372
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(B) The department receives and distributes federal Title IV-E reimbursement funds based on the cost report. 53375
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(C) The agency's or entity's misstatement, misclassification, overstatement, understatement, or other inclusion or omission of any cost included in the cost report causes the United States department of health and human services to disallow all or part of the federal Title IV-E reimbursement funds the department received and distributed. 53377
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(D) The agency's or entity's misstatement, misclassification, overstatement, understatement, or other inclusion or omission of any cost included in the cost report is not the direct result of a written directive concerning the agency or entity's cost report 53383
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<u>that the department issued to the agency or entity.</u>	53387
Sec. 5101.16. (A) As used in this section and sections	53388
5101.161 and 5101.162 of the Revised Code:	53389
(1) "Disability <u>financial</u> assistance" means <u>the financial</u> and	53390
medical assistance provided <u>program established</u> under Chapter	53391
5115. of the Revised Code.	53392
(2) " <u>Disability medical assistance</u> " means <u>the medical</u>	53393
<u>assistance program established under Chapter 5115. of the Revised</u>	53394
<u>Code.</u>	53395
(3) "Food stamps" means the program administered by the	53396
department of job and family services pursuant to section 5101.54	53397
of the Revised Code.	53398
(3) (4) "Medicaid" means the medical assistance program	53399
established by Chapter 5111. of the Revised Code, excluding	53400
transportation services provided under that chapter.	53401
(4) (5) "Ohio works first" means the program established by	53402
Chapter 5107. of the Revised Code.	53403
(5) (6) "Prevention, retention, and contingency" means the	53404
program established by Chapter 5108. of the Revised Code.	53405
(6) (7) "Public assistance expenditures" means expenditures	53406
for all of the following:	53407
(a) Ohio works first;	53408
(b) County administration of Ohio works first;	53409
(c) Prevention, retention, and contingency;	53410
(d) County administration of prevention, retention, and	53411
contingency;	53412
(e) Disability <u>financial</u> assistance;	53413
(f) <u>Disability medical assistance</u> ;	53414

(g) County administration of disability <u>financial</u> assistance;	53415
(g) (h) County administration of disability medical	53416
<u>assistance</u> ;	53417
(i) County administration of food stamps;	53418
(h) (j) County administration of medicaid.	53419
(8) <u>"Title IV-A program" has the same meaning as in section</u>	53420
<u>5101.80 of the Revised Code.</u>	53421
(B) Each board of county commissioners shall pay the county	53422
share of public assistance expenditures in accordance with section	53423
5101.161 of the Revised Code. Except as provided in division (C)	53424
of this section, a county's share of public assistance	53425
expenditures is the sum of all of the following for state fiscal	53426
year 1998 and each state fiscal year thereafter:	53427
(1) The amount that is twenty-five per cent of the county's	53428
total expenditures for disability <u>financial assistance and</u>	53429
<u>disability medical</u> assistance and county administration of	53430
disability assistance <u>those programs</u> during the state fiscal year	53431
ending in the previous calendar year that the department of job	53432
and family services determines are allowable.	53433
(2) The amount that is ten per cent, or other percentage	53434
determined under division (D) of this section, of the county's	53435
total expenditures for county administration of food stamps and	53436
medicaid during the state fiscal year ending in the previous	53437
calendar year that the department determines are allowable, less	53438
the amount of federal reimbursement credited to the county under	53439
division (E) of this section for the state fiscal year ending in	53440
the previous calendar year;	53441
(3)(a) Except as provided in division (B)(3)(b) of this	53442
section, A percentage of the actual amount, as determined by the	53443
department of job and family services from expenditure reports	53444

~~submitted to the United States department of health and human~~ 53445
~~services,~~ of the county share of program and administrative 53446
expenditures during federal fiscal year 1994 for assistance and 53447
services, other than child day-care, provided under Titles IV-A 53448
and IV-F of the "Social Security Act," 49 Stat. 620 (1935), 42 53449
U.S.C. 301, as those titles existed prior to the enactment of the 53450
"Personal Responsibility and Work Opportunity Reconciliation Act 53451
of 1996," 110 Stat. 2105. The department of job and family 53452
services shall determine the actual amount of the county share 53453
from expenditure reports submitted to the United States department 53454
of health and human services. The percentage shall be the 53455
percentage established in rules adopted under division (F) of this 53456
section. 53457

~~(b) For state fiscal years 2000 and 2001, seventy seven per~~ 53458
~~cent of the amount determined under division (B)(3)(a) of this~~ 53459
~~section.~~ 53460

(C)(1) If a county's share of public assistance expenditures 53461
determined under division (B) of this section for a state fiscal 53462
year exceeds one hundred ten per cent of the county's share for 53463
those expenditures for the immediately preceding state fiscal 53464
year, the department of job and family services shall reduce the 53465
county's share for expenditures under divisions (B)(1) and (2) of 53466
this section so that the total of the county's share for 53467
expenditures under division (B) of this section equals one hundred 53468
ten per cent of the county's share of those expenditures for the 53469
immediately preceding state fiscal year. 53470

(2) A county's share of public assistance expenditures 53471
determined under division (B) of this section may be increased 53472
pursuant to a sanction under section 5101.24 of the Revised Code. 53473

(D)(1) If the per capita tax duplicate of a county is less 53474
than the per capita tax duplicate of the state as a whole and 53475
division (D)(2) of this section does not apply to the county, the 53476

percentage to be used for the purpose of division (B)(2) of this 53477
section is the product of ten multiplied by a fraction of which 53478
the numerator is the per capita tax duplicate of the county and 53479
the denominator is the per capita tax duplicate of the state as a 53480
whole. The department of job and family services shall compute the 53481
per capita tax duplicate for the state and for each county by 53482
dividing the tax duplicate for the most recent available year by 53483
the current estimate of population prepared by the department of 53484
development. 53485

(2) If the percentage of families in a county with an annual 53486
income of less than three thousand dollars is greater than the 53487
percentage of such families in the state and division (D)(1) of 53488
this section does not apply to the county, the percentage to be 53489
used for the purpose of division (B)(2) of this section is the 53490
product of ten multiplied by a fraction of which the numerator is 53491
the percentage of families in the state with an annual income of 53492
less than three thousand dollars a year and the denominator is the 53493
percentage of such families in the county. The department of job 53494
and family services shall compute the percentage of families with 53495
an annual income of less than three thousand dollars for the state 53496
and for each county by multiplying the most recent estimate of 53497
such families published by the department of development, by a 53498
fraction, the numerator of which is the estimate of average annual 53499
personal income published by the bureau of economic analysis of 53500
the United States department of commerce for the year on which the 53501
census estimate is based and the denominator of which is the most 53502
recent such estimate published by the bureau. 53503

(3) If the per capita tax duplicate of a county is less than 53504
the per capita tax duplicate of the state as a whole and the 53505
percentage of families in the county with an annual income of less 53506
than three thousand dollars is greater than the percentage of such 53507
families in the state, the percentage to be used for the purpose 53508

of division (B)(2) of this section shall be determined as follows: 53509

(a) Multiply ten by the fraction determined under division 53510
(D)(1) of this section; 53511

(b) Multiply the product determined under division (D)(3)(a) 53512
of this section by the fraction determined under division (D)(2) 53513
of this section. 53514

(4) The department of job and family services shall 53515
determine, for each county, the percentage to be used for the 53516
purpose of division (B)(2) of this section not later than the 53517
first day of July of the year preceding the state fiscal year for 53518
which the percentage is used. 53519

(E) The department of job and family services shall credit to 53520
a county the amount of federal reimbursement the department 53521
receives from the United States departments of agriculture and 53522
health and human services for the county's expenditures for 53523
administration of food stamps and medicaid that the department 53524
determines are allowable administrative expenditures. 53525

(F)(1) The director of job and family services shall adopt 53526
rules in accordance with section 111.15 of the Revised Code to 53527
establish all of the following: 53528

~~(1)~~(a) The method the department is to use to change a 53529
county's share of public assistance expenditures determined under 53530
division (B) of this section as provided in division (C) of this 53531
section; 53532

~~(2)~~(b) The allocation methodology and formula the department 53533
will use to determine the amount of funds to credit to a county 53534
under this section; 53535

~~(3)~~(c) The method the department will use to change the 53536
payment of the county share of public assistance expenditures from 53537
a calendar-year basis to a state fiscal year basis; 53538

(4)(d) The percentage to be used for the purpose of division 53539
(B)(3) of this section, which shall meet both of the following 53540
requirements: 53541

(i) The percentage shall not be less than seventy-five per 53542
cent nor more than eighty-two per cent; 53543

(ii) The percentage shall not exceed the percentage that the 53544
state's qualified state expenditures is of the state's historic 53545
state expenditures as those terms are defined in 42 U.S.C. 53546
609(a)(7). 53547

(e) Other procedures and requirements necessary to implement 53548
this section. 53549

(2) The director of job and family services may amend the 53550
rule adopted under division (F)(1)(d) of this section to modify 53551
the percentage on determination that the amount the general 53552
assembly appropriates for Title IV-A programs makes the 53553
modification necessary. The rule shall be adopted and amended as 53554
if an internal management rule and in consultation with the 53555
director of budget and management. 53556

Sec. 5101.162. The Subject to available federal funds and 53557
appropriations made by the general assembly, the department of job 53558
and family services may, at its sole discretion, use available 53559
federal funds to reimburse county expenditures for county 53560
administration of food stamps or medicaid even though the county 53561
expenditures meet or exceed the maximum allowable reimbursement 53562
amount established by rules adopted under section 5101.161 of the 53563
Revised Code if the board of county commissioners has ~~not~~ entered 53564
into a ~~partnership~~ fiscal agreement with the director of job and 53565
family services under section 5101.21 of the Revised Code. The 53566
director may adopt internal management rules in accordance with 53567
section 111.15 of the Revised Code to implement this section. 53568

Sec. 5101.18. (A) When the director of job and family services adopts rules under section 5107.05 regarding income requirements for the Ohio works first program and under section ~~5115.05~~ 5115.03 of the Revised Code regarding income and resource requirements for the disability financial assistance program, the director shall determine what payments shall be regarded or disregarded. In making this determination, the director shall consider:

(1) The source of the payment;

(2) The amount of the payment;

(3) The purpose for which the payment was made;

(4) Whether regarding the payment as income would be in the public interest;

(5) Whether treating the payment as income would be detrimental to any of the programs administered in whole or in part by the department of job and family services and whether such determination would jeopardize the receipt of any federal grant or payment by the state or any receipt of aid under Chapter 5107. of the Revised Code.

(B) Any recipient of aid under Title XVI of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended, whose money payment is discontinued as the result of a general increase in old-age, survivors, and disability insurance benefits under such act, shall remain a recipient for the purpose of receiving medical assistance through the medical assistance program established under section 5111.01 of the Revised Code.

Sec. 5101.181. (A) As used in this section and section 5101.182 of the Revised Code, "public assistance" includes, in addition to Ohio works first; ~~prevention~~, all of the following:

<u>(1) Prevention retention, and contingency; medicaid</u>	53598
<u>(2) Medicaid; and disability</u>	53599
<u>(3) Disability financial assistance, general;</u>	53600
<u>(4) Disability medical assistance;</u>	53601
<u>(5) General</u> assistance provided prior to July 17, 1995, under former Chapter 5113. of the Revised Code.	53602 53603
(B) As part of the procedure for the determination of overpayment to a recipient of public assistance under Chapter 5107., 5108., 5111., or 5115. of the Revised Code, the director of job and family services shall furnish quarterly the name and social security number of each individual who receives public assistance to the director of administrative services, the administrator of the bureau of workers' compensation, and each of the state's retirement boards. Within fourteen days after receiving the name and social security number of an individual who receives public assistance, the director of administrative services, administrator, or board shall inform the auditor of state as to whether such individual is receiving wages or benefits, the amount of any wages or benefits being received, the social security number, and the address of the individual. The director of administrative services, administrator, boards, and any agent or employee of those officials and boards shall comply with the rules of the director of job and family services restricting the disclosure of information regarding recipients of public assistance. Any person who violates this provision shall thereafter be disqualified from acting as an agent or employee or in any other capacity under appointment or employment of any state board, commission, or agency.	53604 53605 53606 53607 53608 53609 53610 53611 53612 53613 53614 53615 53616 53617 53618 53619 53620 53621 53622 53623 53624 53625
(C) The auditor of state may enter into a reciprocal agreement with the director of job and family services or comparable officer of any other state for the exchange of names,	53626 53627 53628

current or most recent addresses, or social security numbers of 53629
persons receiving public assistance under Title IV-A or under 53630
Title XIX of the "Social Security Act," 49 Stat. 620 (1935), 42 53631
U.S.C. 301, as amended. 53632

(D)(1) The auditor of state shall retain, for not less than 53633
two years, at least one copy of all information received under 53634
this section and sections 145.27, 742.41, 3307.20, 3309.22, 53635
4123.27, 5101.182, and 5505.04 of the Revised Code. The auditor 53636
shall review the information to determine whether overpayments 53637
were made to recipients of public assistance under Chapters 5107., 53638
5108., 5111., and 5115. of the Revised Code. The auditor of state 53639
shall initiate action leading to prosecution, where warranted, of 53640
recipients who received overpayments by forwarding the name of 53641
each recipient who received overpayment, together with other 53642
pertinent information, to the director of job and family services 53643
and the attorney general, to the district director of job and 53644
family services of the district through which public assistance 53645
was received, and to the county director of job and family 53646
services and county prosecutor of the county through which public 53647
assistance was received. 53648

(2) The auditor of state and the attorney general or their 53649
designees may examine any records, whether in computer or printed 53650
format, in the possession of the director of job and family 53651
services or any county director of job and family services. They 53652
shall provide safeguards which restrict access to such records to 53653
purposes directly connected with an audit or investigation, 53654
prosecution, or criminal or civil proceeding conducted in 53655
connection with the administration of the programs and shall 53656
comply with the rules of the director of job and family services 53657
restricting the disclosure of information regarding recipients of 53658
public assistance. Any person who violates this provision shall 53659
thereafter be disqualified from acting as an agent or employee or 53660

in any other capacity under appointment or employment of any state board, commission, or agency.

(3) Costs incurred by the auditor of state in carrying out the auditor of state's duties under this division shall be borne by the auditor of state.

Sec. 5101.20. (A) As used in this section of the Revised Code:

(1) "Local area" has the same meaning as in section 101 of the "Workforce Investment Act of 1998," 112 Stat. 936, 29 U.S.C. 2801, as amended, and division (A) of section 6301.01 of the Revised Code;

(2) "Chief elected official" has the same meaning as in section 101 of the "Workforce Investment Act of 1998," 112 Stat. 936, 29 U.S.C. 2801, as amended, and division (F) of section 6301.01 of the Revised Code;

(3) "Grantee" means the chief elected officials of a local area.

(B) The director of job and family services shall enter into one or more written grant agreements with each local area under which financial assistance is awarded for workforce development activities included in the agreements. A grant agreement shall establish the terms and conditions governing the accountability for and use of grants provided by the department of job and family services to the grantee for the administration of workforce development activities funded under the "Workforce Investment Act of 1998," 112 Stat. 936, 29 U.S.C. 2801, as amended.

(C) In the case of a local area comprised of multiple political subdivisions, nothing in this section shall preclude the chief elected officials of a local area from entering into an agreement among themselves to distribute any liability for

activities of the local area, but such an agreement shall not be 53691
binding on the department of job and family services. 53692

(D) The written grant agreement entered into under division 53693
(B) of this section shall comply with all applicable federal and 53694
state laws governing workforce development activities. All federal 53695
conditions and restrictions that apply to the use of grants 53696
received by the department of job and family services shall apply 53697
to the use of the grants received by the local areas from the 53698
department. 53699

(E) A written grant agreement entered into under division (B) 53700
of this section shall: 53701

(1) Identify the chief elected officials for the local area; 53702

(2) Provide for the incorporation of the local workforce 53703
development plan; 53704

(3) Include the chief elected officials' assurance that the 53705
local area and any subgrantee or contractor of the local area will 53706
do all of the following: 53707

(a) Ensure that the financial assistance awarded under the 53708
grant agreement is used, and the workforce development duties 53709
included in the agreement are performed, in accordance with 53710
requirements established by the department or any of the 53711
following: federal or state law, the state plan for receipt of 53712
federal financial participation, grant agreements between the 53713
department and a federal agency, or executive orders. 53714

(b) Ensure that the chief elected officials and any 53715
subgrantee or contractor of the local area utilize a financial 53716
management system and other accountability mechanisms that meet 53717
requirements the department establishes; 53718

(c) Require the chief elected officials and any subgrantee or 53719
contractor of the local area to do both of the following: 53720

(i) Monitor all private and government entities that receive a payment from financial assistance awarded under the grant agreement to ensure that each entity uses the payment in accordance with requirements for the workforce development duties included in the agreement; 53721
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(ii) Take action to recover payments that are not used in accordance with the requirements for the workforce development duties that are included in the agreement. 53726
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(d) Require the chief elected officials of a local area to promptly reimburse the department the amount that represents the amount a local area is responsible for of funds the department pays to any entity because of an adverse audit finding, adverse quality control finding, final disallowance of federal financial participation, or other sanction or penalty; 53729
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(e) Require chief elected officials of a local area to take prompt corrective action if the department, auditor of state, federal agency, or other entity authorized by federal or state law to determine compliance with requirements for a workforce development duty included in the agreement determines compliance has not been achieved; 53735
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(4) Provide that the award of financial assistance is subject to the availability of federal funds and appropriations made by the general assembly; 53741
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(5) Provide for annual financial, administrative, or other incentive awards, if any, to be provided in accordance with section 5101.23 of the Revised Code. 53744
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(6) Establish the method of amending or terminating the grant agreement and an expedited process for correcting terms or conditions of the agreement that the director and the chief elected officials agree are erroneous. 53747
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(7) Provide for the department of job and family services to award financial assistance for the workforce development duties included in the agreement in accordance with a methodology for determining the amount of the award established by rules adopted under division (F) of this section. 53751
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(8) Determine the dates that the grant agreement begins and ends. 53756
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(F)(1) The director shall adopt rules in accordance with section 111.15 of the Revised Code governing grant agreements. The director shall adopt the rules as if they were internal management rules. The rules shall establish methodologies to be used to determine the amount of financial assistance to be awarded under the agreements and may do any of the following: 53758
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(a) Govern the establishment of consolidated funding allocations and other allocations; 53764
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(b) Specify allowable uses of financial assistance awarded under the agreements; 53766
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(c) Establish reporting, cash management, audit, and other requirements the director determines are necessary to provide accountability for the use of financial assistance awarded under the agreements and determine compliance with requirements established by the department or any of the following: a federal or state law, state plan for receipt of federal financial participation, grant agreement between the department and a federal entity, or executive order. 53768
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(2) A requirement of a grant agreement established by a rule adopted under this division is applicable to a grant agreement without having to be restated in the grant agreement. 53776
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Sec. 5101.201. The director of job and family services may enter into agreements with one-stop operators and one-stop 53779
53780

partners for the purpose of implementing the requirements of 53781
section 121 of the "Workforce Investment Act of 1998," 112 Stat. 53782
936, 29 U.S.C. 2801. 53783

~~Sec. 5101.21. (A) As used in sections 5101.21 to 5101.24 of~~ 53784
~~the Revised Code, "workforce development agency" and "workforce~~ 53785
~~development activity" have the same meanings as in section 6301.01~~ 53786
~~of the Revised Code~~ this section, "county signer" means all of the 53787
following: 53788

(1) A board of county commissioners; 53789

(2) A county children services board appointed under section 53790
5153.03 of the Revised Code if required by division (B) of this 53791
section to enter into a fiscal agreement; 53792

(3) A county elected official that is a child support 53793
enforcement agency if required by division (B) of this section to 53794
enter into a fiscal agreement. 53795

(B) The director of job and family services ~~shall~~ may enter 53796
into a one or more written ~~partnership agreement~~ fiscal agreements 53797
with each ~~board~~ boards of county commissioners. 53798

~~(C)(1) Each partnership agreement shall include provisions~~ 53799
~~regarding the administration and design of all of the following:~~ 53800

~~(a) The Ohio works first program established under Chapter~~ 53801
~~5107. of the Revised Code;~~ 53802

~~(b) The prevention, retention, and contingency program~~ 53803
~~established under Chapter 5108. of the Revised Code;~~ 53804

~~(c) Duties assumed by a county department of job and family~~ 53805
~~services pursuant to an agreement entered into under section~~ 53806
~~329.05 of the Revised Code;~~ 53807

~~(d) Any other county department of job and family services~~ 53808
~~duties that the director and board mutually agree to include in~~ 53809

~~the agreement;~~ 53810

~~(e) If, for the purpose of Chapter 6301. of the Revised Code,~~ 53811
~~the county the board serves is a local area defined in division~~ 53812
~~(A)(2) or (3) of section 6301.01 of the Revised Code, workforce~~ 53813
~~development activities provided by the workforce development~~ 53814
~~agency established or designated for the local area.~~ 53815

~~(2) Each partnership agreement may include provisions~~ 53816
~~regarding the administration and design of the duties of child~~ 53817
~~support enforcement agencies and public children services agencies~~ 53818
~~included in a plan of cooperation entered into under section~~ 53819
~~307.983 of the Revised Code that the director and board mutually~~ 53820
~~agree to include in the agreement.~~ 53821

~~(D) Family services duties and workforce development~~ 53822
~~activities included in a partnership agreement shall be vested in~~ 53823
~~the board of county commissioners. The agreement shall comply with~~ 53824
~~federal statutes and regulations, state statutes, and, except as~~ 53825
~~provided in division (D)(9) of this section, state rules governing~~ 53826
~~the family services duties or workforce development activities~~ 53827
~~included in the agreement.~~ 53828

A partnership under which financial assistance is awarded for 53829
family services duties included in the agreements. Boards of 53830
county commissioners shall select which family services duties to 53831
include in a fiscal agreement. If a board of county commissioners 53832
elects to include family services duties of a public children 53833
services agency and a county children services board appointed 53834
under section 5153.03 of the Revised Code serves as the county's 53835
public children services agency, the board of county commissioners 53836
and county children services board shall jointly enter into the 53837
fiscal agreement with the director. If a board of county 53838
commissioners elects to include family services duties of a child 53839
support enforcement agency and the entity designated under former 53840
section 2301.35 of the Revised Code prior to October 1, 1997, or 53841

designated under section 307.981 of the Revised Code as the 53842
county's child support enforcement agency is an elected official 53843
of the county, the board of county commissioners and county 53844
elected official shall jointly enter into the fiscal agreement 53845
with the director. A fiscal agreement shall include 53846
~~responsibilities that the state department of job and family~~ 53847
~~services, county family services agencies administering family~~ 53848
~~services duties included in the agreement, and workforce~~ 53849
~~development agencies administering workforce development~~ 53850
~~activities included in the agreement must satisfy. The agreement~~ 53851
~~shall establish, specify, or provide for do all of the following:~~ 53852

(1) ~~Requirements governing the administration and design of,~~ 53853
~~and county family services agencies' or workforce development~~ 53854
~~agencies' cooperation to enhance, family services duties or~~ 53855
~~workforce development activities included in the agreement Specify~~ 53856
the family services duties included in the agreement and the 53857
private and government entities designated under section 307.981 53858
of the Revised Code to serve as the county family services 53859
agencies performing the family services duties; 53860

(2) ~~Outcomes that county family services agencies or~~ 53861
~~workforce development agencies are expected to achieve from the~~ 53862
~~administration and design of family services duties or workforce~~ 53863
~~development activities included in the agreement and assistance,~~ 53864
~~services, and technical support the state department will provide~~ 53865
~~the county family services agencies or workforce development~~ 53866
~~agencies to aid the agencies in achieving the expected outcomes~~ 53867
Provide for the department of job and family services to award 53868
financial assistance for the family services duties included in 53869
the agreement in accordance with a methodology for determining the 53870
amount of the award established by rules adopted under division 53871
(D) of this section; 53872

(3) ~~Performance and other administrative standards county~~ 53873

~~family services agencies or workforce development agencies are~~ 53874
~~required to meet in the design, administration, and outcomes of~~ 53875
~~family services duties or workforce development activities~~ 53876
~~included in the agreement and assistance, services, and technical~~ 53877
~~support the state department will provide the county family~~ 53878
~~services agencies or workforce development agencies to aid the~~ 53879
~~agencies in meeting the performance and other administrative~~ 53880
~~standards Specify the form of the award of financial assistance~~ 53881
~~which may be an allocation, cash draw, reimbursement, property,~~ 53882
~~or, to the extent authorized by an appropriation made by the~~ 53883
~~general assembly and to the extent practicable and not in conflict~~ 53884
~~with a federal or state law, a consolidated funding allocation for~~ 53885
~~two or more family services duties included in the agreement;~~ 53886

(4) ~~Criteria and methodology the state department will use to~~ 53887
~~evaluate whether expected outcomes are achieved and performance~~ 53888
~~and other administrative standards are met and county family~~ 53889
~~services agencies or workforce development agencies will use to~~ 53890
~~evaluate whether the state department is providing agreed upon~~ 53891
~~assistance, services, and technical support Provide that the award~~ 53892
~~of financial assistance is subject to the availability of federal~~ 53893
~~funds and appropriations made by the general assembly;~~ 53894

(5) ~~Annual~~ Specify annual financial, administrative, or other 53895
incentive awards, if any, to be provided in accordance with 53896
section 5101.23 of the Revised Code; 53897

(6) ~~The state~~ Include the assurance of each county signer 53898
that the county signer will do all of the following: 53899

(a) Ensure that the financial assistance awarded under the 53900
agreement is used, and the family services duties included in the 53901
agreement are performed, in accordance with requirements for the 53902
duties established by the department, a federal or state law, or 53903
any of the following that concern the family services duties 53904
included in the fiscal agreement and are published under section 53905

<u>5101.212 of the Revised Code: state plans for receipt of federal</u>	53906
<u>financial participation, grant agreements between the department</u>	53907
<u>and a federal agency, and executive orders issued by the governor;</u>	53908
<u>(b) Ensure that the board and county family services agencies</u>	53909
<u>utilize a financial management system and other accountability</u>	53910
<u>mechanisms for the financial assistance awarded under the</u>	53911
<u>agreement that meet requirements the department establishes;</u>	53912
<u>(c) Require the county family services agencies to do both of</u>	53913
<u>the following:</u>	53914
<u>(i) Monitor all private and government entities that receive</u>	53915
<u>a payment from financial assistance awarded under the agreement to</u>	53916
<u>ensure that each entity uses the payment in accordance with</u>	53917
<u>requirements for the family services duties included in the</u>	53918
<u>agreement;</u>	53919
<u>(ii) Take action to recover payments that are not used in</u>	53920
<u>accordance with the requirements for the family services duties</u>	53921
<u>included in the agreement.</u>	53922
<u>(d) Require county family services agencies to promptly</u>	53923
<u>reimburse the department the amount that represents the amount an</u>	53924
<u>agency is responsible for, pursuant to action the department takes</u>	53925
<u>under division (C) of section 5101.24 of the Revised Code, of</u>	53926
<u>funds the department pays to any entity because of an adverse</u>	53927
<u>audit finding, adverse quality control finding, final disallowance</u>	53928
<u>of federal financial participation, or other sanction or penalty;</u>	53929
<u>(e) Require county family services agencies to take prompt</u>	53930
<u>corrective action, including paying amounts resulting from an</u>	53931
<u>adverse finding, sanction, or penalty, if the department, auditor</u>	53932
<u>of state, federal agency, or other entity authorized by federal or</u>	53933
<u>state law to determine compliance with requirements for a family</u>	53934
<u>services duty included in the agreement determines compliance has</u>	53935
<u>not been achieved;</u>	53936

(f) If the department establishes a consolidated funding allocation for two or more family services duties included in the agreement, require the county family services agencies to use funds available in the consolidated funding allocation only for the purpose for which the funds are appropriated. 53937
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(7) Provide for the department taking action pursuant to division (C) of section 5101.24 of the Revised Code if authorized by division (B)(1), (2), ~~or~~ (3), or (4) of that section applies; 53942
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~~(7) The funding of family services duties or workforce development activities included in the agreement and whether the state department will establish a consolidated funding allocation under division (E) of this section. The agreement shall either specify the amount of payments to be made for the family services duties or workforce development activities included in the agreement or the method that will be used to determine the amount of payments.~~ 53945
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~~(8) Audits~~ Provide for timely audits required by federal statutes and regulations and state law and requirements for require prompt release of audit findings and prompt action to correct problems identified in an audit; 53953
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~~(9) Which, if any, of the state department's rules will be waived so that a policy provided for in the agreement may be implemented~~ Comply with all of the requirements for the family services duties that are included in the agreement and have been established by the department, federal or state law, or any of the following that concern the family services duties included in the fiscal agreement and are published under section 5101.212 of the Revised Code: state plans for receipt of federal financial participation, grant agreements between the department and a federal agency, and executive orders issued by the governor; 53957
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~~(10) The~~ Provide for dispute resolution procedures in 53967

accordance with section 5101.24 of the Revised Code; 53968

(11) Establish the method of amending or terminating the 53969
agreement and an expedited process for correcting terms or 53970
conditions of the agreement that the director and board of each 53971
county commissioners signer agree are erroneous; 53972

~~(11) Dispute resolution procedures for anticipated and~~ 53973
~~unanticipated disputes. The agreement may establish different~~ 53974
~~dispute resolution procedures for different types of disputes.~~ 53975
~~Dispute resolution procedures may include negotiation, mediation,~~ 53976
~~arbitration, adjudication conducted by a hearing officer or~~ 53977
~~fact finding panel, and other procedures.~~ 53978

~~(12) The date the agreement is to commence or~~ 53979
~~provided in rules adopted under division (D) of this section,~~ 53980
~~begin on the first day of July of an odd-numbered year and end on~~ 53981
~~the last day of June of the next odd-numbered year. An agreement~~ 53982
~~may not commence before it is entered into nor end later than the~~ 53983
~~last day of the state fiscal biennium for which it is entered~~ 53984
~~into.~~ 53985

~~(13) If workforce development activities are included in the~~ 53986
~~agreement, all of the following:~~ 53987

~~(a) The workforce development plan prepared under section~~ 53988
~~6301.07 of the Revised Code to be attached to and incorporated~~ 53989
~~into the agreement;~~ 53990

~~(b) A description of the services, and a list of the core~~ 53991
~~services, provided in the one stop system for workforce~~ 53992
~~development activities the county served by the board participates~~ 53993
~~in under section 6301.06 of the Revised Code to be included in the~~ 53994
~~agreement;~~ 53995

~~(c) If the county served by the board of county commissioners~~ 53996
~~is in the type of local area defined in division (A)(3) of section~~ 53997
~~6301.01 of the Revised Code, the method and manner by which the~~ 53998

~~board of county commissioners of each county and the chief elected official of a municipal corporation in the local area shall coordinate workforce development activities and resolve disagreements concerning either of the following:~~ 53999
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~~(i) Choices concerning specifically who to appoint to the workforce policy board created under section 6301.06 of the Revised Code, within the criteria for membership set forth in that section;~~ 54003
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~~(ii) Whether a member of the workforce policy board is performing satisfactorily for purposes of serving at the pleasure of the chief elected officials of the local area.~~ 54007
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~~(14) Other provisions determined necessary by the state department, board, county family services agency, and workforce development agency.~~ 54010
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~~(E)(C) The state department shall make payments authorized by a partnership fiscal agreement on vouchers it prepares and may include any funds appropriated or allocated to it for carrying out family services duties or workforce development activities vested in the board of county commissioners under included in the agreement, including funds for personal services and maintenance.~~ 54013
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~~(F)(1) To the extent practicable and not in conflict with federal statutes or regulations, state law, or an appropriation made by the general assembly, the director may establish a consolidated funding allocation for any of the following:~~ 54019
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~~(a) Two or more family services duties included in the agreement;~~ 54023
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~~(b) Two or more workforce development activities included in the agreement;~~ 54025
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~~(c) One or more family services duties and workforce development activities included in the agreement.~~ 54027
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~~(2) The consolidated funding allocation may be for either of the following:~~ 54029
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~~(a) A county that is the type of local area defined in division (A)(2) of section 6301.01 of the Revised Code;~~ 54031
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~~(b) Two or more counties, or a municipal corporation and one or more counties, in the type of local area defined in division (A)(3) of section 6301.01 of the Revised Code that are coordinating and integrating workforce development activities in the local area.~~ 54033
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~~(3) A county family services agency or workforce development agency shall use funds available in a consolidated funding allocation only for the purpose for which the funds were appropriated.~~ 54038
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(D)(1) The director shall adopt rules in accordance with section 111.15 of the Revised Code governing fiscal agreements. The director shall adopt the rules as if they were internal management rules. Before adopting the rules, the director shall give the public an opportunity to review and comment on the proposed rules. The rules shall establish methodologies to be used to determine the amount of financial assistance to be awarded under the agreements. The rules also shall establish terms and conditions under which an agreement may be entered into after the first day of July of an odd-numbered year. The rules may do any or all of the following: 54042
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(a) Govern the establishment of consolidated funding allocations and specify the time period for which a consolidated funding allocation is to be provided if the effective date of the agreement is after the first day of July of an odd-numbered year, which may include a time period before the effective date of the agreement; 54053
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(b) Govern the establishment of other allocations; 54059

<u>(c) Specify allowable uses of financial assistance awarded under the agreements;</u>	54060
	54061
<u>(d) Establish reporting, cash management, audit, and other requirements the director determines are necessary to provide accountability for the use of financial assistance awarded under the agreements and determine compliance with requirements established by the department, a federal or state law, or any of the following that concern the family services duties included in the agreements and are published under section 5101.212 of the Revised Code: state plans for receipt of federal financial participation, grant agreements between the department and a federal entity, and executive orders issued by the governor.</u>	54062
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<u>(2) A requirement of a fiscal agreement established by a rule adopted under this division is applicable to a fiscal agreement without having to be restated in the fiscal agreement.</u>	54072
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<u>Sec. 5101.211.</u> (A) <u>Except as provided in division (B) of this section, the director of job and family services may provide for a fiscal agreement entered into under section 5101.21 of the Revised Code to have a retroactive effective date of the first day of July of an odd-numbered year if both of the following are the case:</u>	54075
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<u>(1) The agreement is entered into after that date and before the last day of that July.</u>	54081
	54082
<u>(2) The board of county commissioners requests the retroactive effective date and provides the director good cause satisfactory to the director for the reason the agreement was not entered into on or before the first day of that July.</u>	54083
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<u>(B) The director may provide for a fiscal agreement to have a retroactive effective date of July 1, 2003, if both of the following are the case:</u>	54087
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	54089

(1) The agreement is entered into after July 1, 2003, and 54090
before August 29, 2003. 54091

(2) The board of county commissioners requests the 54092
retroactive effective date. 54093

Sec. 5101.212. The department of job and family services 54094
shall publish in a manner accessible to the public all of the 54095
following that concern family services duties included in fiscal 54096
agreements entered into under section 5101.21 of the Revised Code: 54097
state plans for receipt of federal financial participation, grant 54098
agreements between the department and a federal agency, and 54099
executive orders issued by the governor. The department may 54100
publish the materials electronically or otherwise. 54101

Sec. 5101.213. (A) Except as provided in section 5101.211 of 54102
the Revised Code, if a fiscal agreement under section 5101.21 of 54103
the Revised Code between the director of job and family services 54104
and a board of county commissioners is not in effect, all of the 54105
following apply: 54106

(1) The department of job and family services shall award to 54107
the county the board serves financial assistance for family 54108
services duties in accordance with a methodology for determining 54109
the amount of the award established by rules adopted under 54110
division (B) of this section. 54111

(2) The financial assistance may be provided in the form of 54112
allocations, cash draws, reimbursements, and property but may not 54113
be made in the form of a consolidated funding allocation. 54114

(3) The award of the financial assistance is subject to the 54115
availability of federal funds and appropriations made by the 54116
general assembly. 54117

(4) The county family services agencies performing the family 54118

<u>services duties for which the financial assistance is awarded</u>	54119
<u>shall do all of the following:</u>	54120
<u>(a) Use the financial assistance, and perform the family</u>	54121
<u>services duties, in accordance with requirements for the duties</u>	54122
<u>established by the department, a federal or state law, or any of</u>	54123
<u>the following that concern the duties: state plans for receipt of</u>	54124
<u>federal financial participation, grant agreements between the</u>	54125
<u>department and a federal agency, and executive orders issued by</u>	54126
<u>the governor;</u>	54127
<u>(b) Utilize a financial management system and other</u>	54128
<u>accountability mechanisms for the financial assistance that meet</u>	54129
<u>requirements the department establishes;</u>	54130
<u>(c) Monitor all private and government entities that receive</u>	54131
<u>a payment from the financial assistance to ensure that each entity</u>	54132
<u>uses the payment in accordance with requirements for the family</u>	54133
<u>services duties and take action to recover payments that are not</u>	54134
<u>used in accordance with the requirements for the family services</u>	54135
<u>duties;</u>	54136
<u>(d) Promptly reimburse the department the amount that</u>	54137
<u>represents the amount an agency is responsible for, pursuant to</u>	54138
<u>action the department takes under division (C) of section 5101.24</u>	54139
<u>of the Revised Code, of funds the department pays to any entity</u>	54140
<u>because of an adverse audit finding, adverse quality control</u>	54141
<u>finding, final disallowance of federal financial participation, or</u>	54142
<u>other sanction or penalty;</u>	54143
<u>(e) Take prompt corrective action, including paying amounts</u>	54144
<u>resulting from an adverse finding, sanction, or penalty, if the</u>	54145
<u>department, auditor of state, federal agency, or other entity</u>	54146
<u>authorized by federal or state law to determine compliance with</u>	54147
<u>requirements for a family services duty determines compliance has</u>	54148
<u>not been achieved.</u>	54149

(B) The director shall adopt rules in accordance with section 111.15 of the Revised Code as necessary to implement this section. The director shall adopt the rules as if they were internal management rules. Before adopting the rules, the director shall give the public an opportunity to review and comment on the proposed rules. The rules shall establish methodologies to be used to determine the amount of financial assistance to be awarded and may do any or all of the following:

(1) Govern the establishment of funding allocations;

(2) Specify allowable uses of financial assistance the department awards under this section;

(3) Establish reporting, cash management, audit, and other requirements the director determines are necessary to provide accountability for the use of the financial assistance and determine compliance with requirements established by the department, a federal or state law, or any of the following that concern the family services duties for which the financial assistance is awarded: state plans for receipt of federal financial participation, grant agreements between the department and a federal entity, and executive orders issued by the governor.

Sec. ~~5101.211~~ 5101.214. The director of job and family services may enter into a written agreement with one or more state agencies, as defined in section 117.01 of the Revised Code, and state universities and colleges to assist in the coordination, provision, or enhancement of the family services duties of a county family services agency or the workforce development activities of a workforce development agency. The director also may enter into written agreements or contracts with, or issue grants to, private and government entities under which funds are provided for the enhancement or innovation of family services duties or workforce development activities on the state or local

~~level. The terms of an agreement, contract, or grant under this 54181
section may be incorporated into a partnership agreement the 54182
director enters into with a board of county commissioners under 54183
section 5101.21 or with the chief elected official of a municipal 54184
corporation under section 5101.213 of the Revised Code, if the 54185
director and board or chief elected official and state agency, 54186
state university or college, or private or government entity 54187
agree. 54188~~

The director may adopt internal management rules in 54189
accordance with section 111.15 of the Revised Code to implement 54190
this section. 54191

Sec. ~~5101.212~~ 5101.215. If the director of job and family 54192
services enters into an agreement or contracts with, or issues a 54193
grant to, a religious organization under section ~~5101.211~~ 5101.214 54194
of the Revised Code, the religious organization shall comply with 54195
section 104 of the Personal Responsibility and Work Opportunity 54196
and Reconciliation Act of 1996 (P.L. 104-193). 54197

Sec. 5101.216. The director of job and family services may 54198
enter into one or more written operational agreements with boards 54199
of county commissioners to do one or more of the following 54200
regarding family services duties: 54201

(A) Provide for the director to amend or rescind a rule the 54202
director previously adopted; 54203

(B) Provide for the director to modify procedures or 54204
establish alternative procedures to accommodate special 54205
circumstances in a county; 54206

(C) Provide for the director and board to jointly identify 54207
operational problems of mutual concern and develop a joint plan to 54208
address the problems; 54209

(D) Establish a framework for the director and board to 54210

modify the use of existing resources in a manner that is 54211
beneficial to the department of job and family services and the 54212
county that the board serves and improves family services duties 54213
for the recipients of the services. 54214

Sec. 5101.22. The department of job and family services may 54215
establish performance and other administrative standards for the 54216
administration and outcomes of family services duties ~~and~~ 54217
~~workforce development activities~~ and determine at intervals the 54218
department decides the degree to which a county family services 54219
agency ~~or workforce development agency~~ complies with a performance 54220
or other administrative standard. The department may use 54221
statistical sampling, performance audits, case reviews, or other 54222
methods it determines necessary and appropriate to determine 54223
compliance with performance and administrative standards. 54224

~~A performance or other administrative standard established~~ 54225
~~under this section for a family service duty or workforce~~ 54226
~~development activity does not apply to a county family services~~ 54227
~~agency or workforce development agency administering the duty if a~~ 54228
~~different performance or administrative standard is specified for~~ 54229
~~the agency's administration of the duty or activity pursuant to a~~ 54230
~~partnership agreement entered into under section 5101.21 or~~ 54231
~~5101.213 of the Revised Code.~~ 54232

Sec. 5101.221. (A) Except as provided by division (C) of this 54233
section, if the department of job and family services determines 54234
that a county family services agency has failed to comply with a 54235
performance or other administrative standard established under 54236
section 5101.22 of the Revised Code or by federal law for the 54237
administration or outcome of a family services duty, the 54238
department shall require the agency to develop, submit to the 54239
department for approval, and comply with a corrective action plan. 54240
54241

(B) If a county family services agency fails to develop, submit to the department, or comply with a corrective action plan under division (A) of this section, or the department disapproves the agency's corrective action plan, the department may require the agency to develop, submit to the department for approval, and comply with a corrective action plan that requires the agency to commit existing resources to the plan.

(C) The department may not require a county family services agency to take action under this section for failure to comply with a performance or other administrative standard established for an incentive awarded by the department. Instead, the department may require a county family services agency that fails to comply with that kind of performance or other administrative standard to take action in accordance with rules adopted by the department governing the standard.

(D) At the request of a county family services agency, the department shall assist the agency with the development of a corrective action plan under this section and provide the agency technical assistance in the implementation of the plan.

Sec. 5101.222. The director of job and family services may adopt rules in accordance with section 111.15 of the Revised Code to implement sections 5101.22 to 5101.222 of the Revised Code. If the director adopts the rules, the director shall adopt the rules as if they were internal management rules.

Sec. 5101.24. (A) As used in this section, "responsible entity" means ~~the following:~~

~~(1) If the family services duty or workforce development activity involved is included in a partnership agreement a board of county commissioners and the director of job and family services enters into under section 5101.21 of the Revised Code,~~

~~the board regardless of the fact that or a county family services 54272
agency performs the family services duty or a workforce 54273
development agency performs the workforce development activity. 54274~~

~~(2) If the family services duty or workforce development 54275
activity involved is not included in a partnership agreement, the 54276
county family services agency or workforce development agency, 54277
whichever the director of job and family services determines is 54278
appropriate to take action against under division (C) of this 54279
section. 54280~~

~~(B) The Regardless of whether a family services duty is 54281
performed by a county family services agency, private or 54282
government entity pursuant to a contract entered into under 54283
section 307.982 of the Revised Code or division (C)(2) of section 54284
5153.16 of the Revised Code, or private or government provider of 54285
a family service duty, the department of job and family services 54286
may take action under division (C) of this section against the 54287
responsible entity if the department determines any of the 54288
following ~~apply to the county family services agency performing 54289~~
~~the family services duty or workforce development agency providing 54290~~
~~the workforce development activity are the case: 54291~~~~

~~(1) The agency fails to meet a performance standard specified 54292
in a partnership agreement entered into under section 5101.21 or 54293
established A requirement of a fiscal agreement entered into under 54294
section 5101.21 of the Revised Code that includes the family 54295
services duty, including a requirement for fiscal agreements 54296
established by rules adopted under that section, is not complied 54297
with; 54298~~

~~(2) A county family services agency fails to develop, submit 54299
to the department, or comply with a corrective action plan under 54300
division (B) of section 5101.221 of the Revised Code, or the 54301
department disapproves the agency's corrective action plan 54302
developed under division (B) of section 5101.22 5101.221 of the 54303~~

Revised Code ~~for the duty or activity;~~ 54304

~~(2) The agency fails to comply with a (3) A requirement for~~ 54305
~~the family services duty established by the department or any of~~ 54306
~~the following is not complied with: a federal statute or~~ 54307
~~regulations, state statute, or a department rule for the duty or~~ 54308
~~activity law, state plan for receipt of federal financial~~ 54309
~~participation, grant agreement between the department and a~~ 54310
~~federal agency, or executive order issued by the governor;~~ 54311

~~(3)(4) The agency responsible entity is solely or partially~~ 54312
~~responsible, as determined by the director of job and family~~ 54313
~~services, for an adverse audit or finding, adverse quality control~~ 54314
~~finding, final disallowance of federal financial participation, or~~ 54315
~~other sanction or penalty regarding the family services duty or~~ 54316
~~activity.~~ 54317

(C) The department may take one or more of the following 54318
actions against the responsible entity ~~if when authorized by~~ 54319
~~division (B)(1), (2), or (3), or (4) of this section applies:~~ 54320

(1) Require the responsible entity to ~~submit to and~~ comply 54321
with a corrective action plan pursuant to a time schedule 54322
specified by the department. ~~The corrective action plan shall be~~ 54323
~~established or approved by the department and shall not require a~~ 54324
~~county family services agency to commit resources to the plan.~~ 54325

(2) ~~Require the responsible entity to comply with a~~ 54326
~~corrective action plan pursuant to a time schedule specified by~~ 54327
~~the department. The corrective action plan shall be established or~~ 54328
~~approved by the department and require a county family services~~ 54329
~~agency to commit to the plan existing resources identified by the~~ 54330
~~agency.~~ 54331

~~(3) Require the responsible entity to do one of the~~ 54332
~~following:~~ 54333

(a) Share with the department a final disallowance of federal 54334

financial participation or other sanction or penalty; 54335

(b) Reimburse the department the final amount the department 54336
pays to the federal government or another entity that represents 54337
the amount the ~~agency~~ responsible entity is responsible for of an 54338
adverse audit ~~or~~ finding, adverse quality control finding, final 54339
disallowance of federal financial participation, or other sanction 54340
or penalty issued by the federal government, auditor of state, or 54341
other entity; 54342

(c) Pay the federal government or another entity the final 54343
amount that represents the amount the ~~agency~~ responsible entity is 54344
responsible for of an adverse audit ~~or~~ finding, adverse quality 54345
control finding, final disallowance of federal financial 54346
participation, or other sanction or penalty issued by the federal 54347
government, auditor of state, or other entity; 54348

(d) Pay the department the final amount that represents the 54349
amount the responsible entity is responsible for of an adverse 54350
audit finding or adverse quality control finding. 54351

~~(3)~~(4) Impose a ~~financial or~~ an administrative sanction ~~or~~ 54352
~~adverse audit~~ issued by the department against the responsible 54353
entity. A sanction may be increased if the department has 54354
previously taken action against the responsible entity under this 54355
division. 54356

~~(4)~~(5) Perform, or contract with a government or private 54357
entity for the entity to perform, the family services duty ~~or~~ 54358
~~workforce development activity~~ until the department is satisfied 54359
that the responsible entity ensures that the duty ~~or activity~~ will 54360
be performed satisfactorily. If the department performs or 54361
contracts with an entity to perform a family services duty ~~or~~ 54362
~~workforce development activity~~ under division (C)~~(4)~~(5) of this 54363
section, the department may do either or both of the following: 54364

(a) Spend funds in the county treasury appropriated by the 54365

board of county commissioners for the duty ~~or activity~~; 54366

(b) Withhold funds allocated or reimbursements due to the 54367
responsible entity for the duty ~~or activity~~ and spend the funds 54368
for the duty ~~or activity~~. 54369

~~(5)~~(6) Request that the attorney general bring mandamus 54370
proceedings to compel the responsible entity to take or cease the 54371
action that causes division (B)(1), (2), ~~or (3)~~, or (4) of this 54372
section to apply. The attorney general shall bring mandamus 54373
proceedings in the Franklin county court of appeals at the 54374
department's request. 54375

(7) If the department takes action under this division 54376
because of division (B)(3) of this section, temporarily withhold 54377
funds allocated or reimbursement due to the responsible entity 54378
until the department determines that the responsible entity is in 54379
compliance with the requirement. The department shall release the 54380
funds when the department determines that compliance has been 54381
achieved. 54382

(D) If the department ~~decides~~ proposes to take action against 54383
the responsible entity under division (C) of this section, the 54384
department shall notify the responsible entity and county auditor. 54385
The notice shall be in writing and specify the action the 54386
department proposes to take. The department shall send the notice 54387
by regular United States mail. 54388

~~The~~ Except as provided by division (E) of this section, the 54389
responsible entity may request an administrative review of a 54390
proposed action, ~~other than a proposed action under division~~ 54391
~~(C)(5) of this section, by sending a written request to the~~ 54392
~~department not later than~~ in accordance with administrative review 54393
procedures the department shall establish. The administrative 54394
review procedures shall comply with all of the following: 54395

(1) A request for an administrative review shall state 54396

specifically all of the following: 54397

(a) The proposed action specified in the notice from the 54398
department for which the review is requested; 54399

(b) The reason why the responsible entity believes the 54400
proposed action is inappropriate; 54401

(c) All facts and legal arguments that the responsible entity 54402
wants the department to consider; 54403

(d) The name of the person who will serve as the responsible 54404
entity's representative in the review. 54405

(2) If the department's notice specifies more than one 54406
proposed action and the responsible entity does not specify all of 54407
the proposed actions in its request pursuant to division (D)(1)(a) 54408
of this section, the proposed actions not specified in the request 54409
shall not be subject to administrative review and the parts of the 54410
notice regarding those proposed actions shall be final and binding 54411
on the responsible entity. 54412

(3) In the case of a proposed action under division (C)(1) of 54413
this section, the responsible entity shall have fifteen calendar 54414
days after the department mails the notice to the responsible 54415
entity to send a written request to the department for an 54416
administrative review. If it receives such a request within the 54417
required time, the department shall postpone taking action under 54418
division (C)(1) of this section for fifteen calendar days 54419
following the day it receives the request.—The or extended period 54420
of time provided for in division (D)(5) of this section to allow a 54421
representative of the department and a representative of the 54422
responsible entity shall attempt an informal opportunity to 54423
resolve any dispute during that fifteen-day or extended period. 54424

~~(2)~~(4) In the case of a proposed action under division 54425
(C)(2), (3), (4), (5), or (7) of this section, forty-five the 54426
responsible entity shall have thirty calendar days after the 54427

department mails the notice to the responsible entity to send a 54428
written request to the department for an administrative review. 54429
~~The administrative review shall be limited solely to the issue of~~ 54430
~~the amount the responsible entity shall share with the department,~~ 54431
~~reimburse the department, or pay to the federal government or~~ 54432
~~another entity under division (C)(2) of this section. The If it~~ 54433
~~receives such a request within the required time, the department~~ 54434
~~shall postpone taking action under division (C)(2), (3), (4), (5),~~ 54435
~~or (7) of this section for thirty calendar days following the day~~ 54436
~~it receives the request or extended period of time provided for in~~ 54437
~~division (D)(5) of this section to allow a representative of the~~ 54438
~~department and a representative of the responsible entity shall~~ 54439
~~attempt an informal opportunity to resolve any dispute within~~ 54440
~~sixty days during that thirty-day or extended period.~~ 54441

~~(3) In the case of a proposed action under division (C)(3) or~~ 54442
~~(4) of this section, forty five days after the department mails~~ 54443
~~the notice to the responsible entity. The department and~~ 54444
~~responsible entity shall attempt to resolve any dispute within~~ 54445
~~sixty days.~~ 54446

~~If the department and responsible entity fail to resolve any~~ 54447
~~dispute within the required time, the department shall conduct a~~ 54448
~~hearing in accordance with Chapter 119. of the Revised Code,~~ 54449
~~except that the department, notwithstanding section 119.07 of the~~ 54450
~~Revised Code, is not required to schedule the hearing within~~ 54451
~~fifteen days of the responsible entity's request.~~ 54452

~~(E)(5) If the informal opportunity provided in division~~ 54453
~~(D)(3) or (4) of this section does not result in a written~~ 54454
~~resolution to the dispute within the fifteen- or thirty-day~~ 54455
~~period, the director of job and family services and representative~~ 54456
~~of the responsible entity may enter into a written agreement~~ 54457
~~extending the time period for attempting an informal resolution of~~ 54458
~~the dispute under division (D)(3) or (4) of this section.~~ 54459

(6) In the case of a proposed action under division (C)(3) of this section, the responsible entity may not include in its request disputes over a finding, final disallowance of federal financial participation, or other sanction or penalty issued by the federal government, auditor of state, or entity other than the department. 54460
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(7) If the responsible entity fails to request an administrative review within the required time, the responsible entity loses the right to request an administrative review of the proposed actions specified in the notice and the notice becomes final and binding on the responsible entity. 54466
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(8) If the informal opportunity provided in division (D)(3) or (4) of this section does not result in a written resolution to the dispute within the time provided by division (D)(3), (4), or (5) of this section, the director shall appoint an administrative review panel to conduct the administrative review. The review panel shall consist of department employees and one director or other representative of the type of county family services agency that is responsible for the kind of family services duty that is the subject of the dispute and serves a different county than the county served by the responsible entity. No individual involved in the department's proposal to take action against the responsible entity may serve on the review panel. The review panel shall review the responsible entity's request. The review panel may require that the department or responsible entity submit additional information and schedule and conduct an informal hearing to obtain testimony or additional evidence. A review of a proposal to take action under division (C)(3) of this section shall be limited solely to the issue of the amount the responsible entity shall share with the department, reimburse the department, or pay to the federal government, department, or other entity under division (C)(3) of this section. The review panel is not 54471
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required to make a stenographic record of its hearing or other 54492
proceedings. 54493

(9) After finishing an administrative review, an 54494
administrative review panel appointed under division (D)(8) of 54495
this section shall submit a written report to the director setting 54496
forth its findings of fact, conclusions of law, and 54497
recommendations for action. The director may approve, modify, or 54498
disapprove the recommendations. If the director modifies or 54499
disapproves the recommendations, the director shall state the 54500
reasons for the modification or disapproval and the actions to be 54501
taken against the responsible entity. 54502

(10) The director's approval, modification, or disapproval 54503
under division (D)(9) of this section shall be final and binding 54504
on the responsible entity and shall not be subject to further 54505
departmental review. 54506

(E) The responsible entity is not entitled to an 54507
administrative review under division (D) of this section for any 54508
of the following: 54509

(1) An action taken under division (C)(6) of this section; 54510

(2) An action taken under section 5101.242 of the Revised 54511
Code; 54512

(3) An action taken under division (C)(3) of this section if 54513
the federal government, auditor of state, or entity other than the 54514
department has identified the county family services agency as 54515
being solely or partially responsible for an adverse audit 54516
finding, adverse quality control finding, final disallowance of 54517
federal financial participation, or other sanction or penalty; 54518

(4) An adjustment to an allocation, cash draw, advance, or 54519
reimbursement to a county family services agency that the 54520
department determines necessary for budgetary reasons; 54521

(5) Withholding of a cash draw or reimbursement due to noncompliance with a reporting requirement established in rules adopted under section 5101.243 of the Revised Code. 54522
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(F) This section does not apply to other actions the department takes against the responsible entity pursuant to authority granted by another state law unless the other state law requires the department to take the action in accordance with this section. 54525
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(G) The director of job and family services may adopt rules in accordance with Chapter 119. of the Revised Code as necessary to implement this section. 54530
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Sec. 5101.241. (A) As used in this section: 54533

(1) "Local area" and "chief elected official" have the same meaning as in section 5101.20 of the Revised Code. 54534
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(2) "Responsible entity" means the chief elected officials of a local area. 54536
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(B) The department of job and family services may take action under division (C) of this section against the responsible entity, regardless of who performs the workforce development activity, if the department determines any of the following are the case: 54538
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(1) A requirement of a grant agreement entered into under section 5101.20 of the Revised Code that includes the workforce development activity, including a requirement for grant agreements established by rules adopted under that section, is not complied with; 54542
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(2) A performance standard for the workforce development activity established by the federal government or the department is not met; 54547
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(3) A requirement for the workforce development activity 54550

established by the department or any of the following is not 54551
complied with: a federal or state law, state plan for receipt of 54552
federal financial participation, grant agreement between the 54553
department and a federal agency, or executive order; 54554

(4) The responsible entity is solely or partially 54555
responsible, as determined by the director of job and family 54556
services, for an adverse audit finding, adverse quality control 54557
finding, final disallowance of federal financial participation, or 54558
other sanction or penalty regarding the workforce development 54559
activity. 54560

(C) The department may take one or more of the following 54561
actions against the responsible entity when authorized by division 54562
(B)(1), (2), (3), or (4) of this section: 54563

(1) Require the responsible entity to submit to and comply 54564
with a corrective action plan, established or approved by the 54565
department, pursuant to a time schedule specified by the 54566
department; 54567

(2) Require the responsible entity to do one of the 54568
following: 54569

(a) Share with the department a final disallowance of federal 54570
financial participation or other sanction or penalty; 54571

(b) Reimburse the department the amount the department pays 54572
to the federal government or another entity that represents the 54573
amount the responsible entity is responsible for of an adverse 54574
audit finding, adverse quality control finding, final disallowance 54575
of federal financial participation, or other sanction or penalty 54576
issued by the federal government, auditor of state, or other 54577
entity; 54578

(c) Pay the federal government or another entity the amount 54579
that represents the amount the responsible entity is responsible 54580
for of an adverse audit finding, adverse quality control finding, 54581

final disallowance of federal financial participation, or other 54582
sanction or penalty issued by the federal government, auditor of 54583
state, or other entity; 54584

(d) Pay the department the amount that represents the amount 54585
the responsible entity is responsible for of an adverse audit 54586
finding, adverse quality control finding, or other sanction or 54587
penalty issued by the department. 54588

(3) Impose a financial or administrative sanction or adverse 54589
audit finding issued by the department against the responsible 54590
entity, which may be increased with each subsequent action taken 54591
against the responsible entity. 54592

(4) Perform or contract with a government or private entity 54593
for the entity to perform the workforce development activity until 54594
the department is satisfied that the responsible entity ensures 54595
that the activity will be performed to the department's 54596
satisfaction. If the department performs or contracts with an 54597
entity to perform the workforce development activity under 54598
division (C)(4) of this section, the department may withhold funds 54599
allocated to or reimbursements due to the responsible entity for 54600
the activity and use those funds to implement division (C)(4) of 54601
this section. 54602

(5) Request the attorney general to bring mandamus 54603
proceedings to compel the responsible entity to take or cease the 54604
actions listed in division (B) of this section. The attorney 54605
general shall bring any mandamus proceedings in the Franklin 54606
county court of appeals at the department's request. 54607

(6) If the department takes action under this division 54608
because of division (B)(3) of this section, withhold funds 54609
allocated or reimbursement due to the responsible entity until the 54610
department determines that the responsible entity is in compliance 54611
with the requirement. The department shall release the funds when 54612

the department determines that compliance has been achieved. 54613

(D) The department shall notify the responsible entity and 54614
the appropriate county auditor when the department proposes to 54615
take action under division (C) of this section. The notice shall 54616
be in writing and specify the action the department proposes to 54617
take. The department shall send the notice by regular United 54618
States mail. Except as provided in division (E) of this section, 54619
the responsible entity may request an administrative review of a 54620
proposed action in accordance with administrative review 54621
procedures the department shall establish. The administrative 54622
review procedures shall comply with all of the following: 54623

(1) A request for an administrative review shall state 54624
specifically all of the following: 54625

(a) The proposed action specified in the notice from the 54626
department for which the review is requested; 54627

(b) The reason why the responsible entity believes the 54628
proposed action is inappropriate; 54629

(c) All facts and legal arguments that the responsible entity 54630
wants the department to consider; 54631

(d) The name of the person who will serve as the responsible 54632
entity's representative in the review. 54633

(2) If the department's notice specifies more than one 54634
proposed action and the responsible entity does not specify all of 54635
the proposed actions in its request pursuant to division (D)(1)(a) 54636
of this section, the proposed actions not specified in the request 54637
shall not be subject to administrative review and the parts of the 54638
notice regarding those proposed actions shall be final and binding 54639
on the responsible entity. 54640

(3) In the case of a proposed action under division (C)(1) of 54641
this section, the responsible entity shall have fifteen calendar 54642

days after the department mails the notice to the responsible 54643
entity to send a written request to the department for an 54644
administrative review. If it receives such a request within the 54645
required time, the department shall postpone taking action under 54646
division (C)(1) of this section for fifteen calendar days 54647
following the day it receives the request to allow a 54648
representative of the department and a representative of the 54649
responsible entity an informal opportunity to resolve any dispute 54650
during that fifteen-day period. 54651

(4) In the case of a proposed action under division (C)(2), 54652
(3), or (4) of this section, the responsible entity shall have 54653
thirty calendar days after the department mails the notice to the 54654
responsible entity to send a written request to the department for 54655
an administrative review. If it receives such a request within the 54656
required time, the department shall postpone taking action under 54657
division (C)(2), (3), or (4) of this section for thirty calendar 54658
days following the day it receives the request to allow a 54659
representative of the department and a representative of the 54660
responsible entity an informal opportunity to resolve any dispute 54661
during that thirty-day period. 54662

(5) In the case of a proposed action under division (C)(2) of 54663
this section, the responsible entity may not include in its 54664
request disputes over a finding, final disallowance of federal 54665
financial participation, or other sanction or penalty issued by 54666
the federal government, auditor of state, or other entity other 54667
than the department. 54668

(6) If the responsible entity fails to request an 54669
administrative review within the required time, the responsible 54670
entity loses the right to request an administrative review of the 54671
proposed actions specified in the notice and the notice becomes 54672
final and binding on the responsible entity. 54673

(7) If the informal opportunity provided in division (D)(3) 54674

or (4) of this section does not result in a written resolution to 54675
the dispute, the director of job and family services shall appoint 54676
an administrative review panel to conduct the administrative 54677
review. The review panel shall consist of department employees who 54678
are not involved in the department's proposal to take action 54679
against the responsible entity. The review panel shall review the 54680
responsible entity's request. The review panel may require that 54681
the department or responsible entity submit additional information 54682
and schedule and conduct an informal hearing to obtain testimony 54683
or additional evidence. A review of a proposal to take action 54684
under division (C)(2) of this section shall be limited solely to 54685
the issue of the amount the responsible entity shall share with 54686
the department, reimburse the department, or pay to the federal 54687
government, department, or other entity under division (C)(2) of 54688
this section. The review panel is not required to make a 54689
stenographic record of its hearing or other proceedings. 54690

(8) After finishing an administrative review, an 54691
administrative review panel appointed under division (D)(7) of 54692
this section shall submit a written report to the director setting 54693
forth its findings of fact, conclusions of law, and 54694
recommendations for action. The director may approve, modify, or 54695
disapprove the recommendations. If the director modifies or 54696
disapproves the recommendations, the director shall state the 54697
reasons for the modification or disapproval and the actions to be 54698
taken against the responsible entity. 54699

(9) The director's approval, modification, or disapproval 54700
under division (D)(8) of this section shall be final and binding 54701
on the responsible entity and shall not be subject to further 54702
departmental review. 54703

(E) The responsible entity is not entitled to an 54704
administrative review under division (D) of this section for any 54705
of the following: 54706

<u>(1) An action taken under division (C)(5) or (6) of this section;</u>	54707
	54708
<u>(2) An action taken under section 5101.242 of the Revised Code;</u>	54709
	54710
<u>(3) An action taken under division (C)(2) of this section if the federal government, auditor of state, or entity other than the department has identified the responsible entity as being solely or partially responsible for an adverse audit finding, adverse quality control finding, final disallowance of federal financial participation, or other sanction or penalty;</u>	54711
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<u>(4) An adjustment to an allocation, cash draw, advance, or reimbursement to the responsible entity's local area that the department determines necessary for budgetary reasons;</u>	54717
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<u>(5) Withholding of a cash draw or reimbursement due to noncompliance with a reporting requirement established in rules adopted under section 5101.243 of the Revised Code.</u>	54720
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<u>(F) This section does not apply to other actions the department takes against the responsible entity pursuant to authority granted by another state law unless the other state law requires the department to take the action in accordance with this section.</u>	54723
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<u>(G) The director of job and family services may adopt rules in accordance with Chapter 119. of the Revised Code as necessary to implement this section.</u>	54728
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<u>Sec. 5101.242. The department of job and family services may certify a claim to the attorney general under section 131.02 of the Revised Code for the attorney general to take action under that section against a responsible entity to recover any funds that the department determines the responsible entity owes the department for actions taken under division (C)(2), (3), (4), or</u>	54731
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(5) of section 5101.24 or 5101.241 of the Revised Code. 54737

Sec. 5101.243. The director of job and family services may 54738
adopt rules in accordance with section 111.15 of the Revised Code 54739
establishing reporting requirements for family services duties and 54740
workforce development activities. If the director adopts the 54741
rules, the director shall adopt the rules as if they were internal 54742
management rules and, before adopting the rules, give the public 54743
an opportunity to review and comment on the proposed rules. 54744

Sec. 5101.26. As used in this section and in sections 5101.27 54745
to 5101.30 of the Revised Code: 54746

(A) "County agency" means a county department of job and 54747
family services or a public children services agency. 54748

(B) "Fugitive felon" means an individual who is fleeing to 54749
avoid prosecution, or custody or confinement after conviction, 54750
under the laws of the place from which the individual is fleeing, 54751
for a crime or an attempt to commit a crime that is a felony under 54752
the laws of the place from which the individual is fleeing or, in 54753
the case of New Jersey, a high misdemeanor, regardless of whether 54754
the individual has departed from the individual's usual place of 54755
residence. 54756

(C) "Information" means records as defined in section 149.011 54757
of the Revised Code, any other documents in any format, and data 54758
derived from records and documents that are generated, acquired, 54759
or maintained by the department of job and family services, a 54760
county agency, or an entity performing duties on behalf of the 54761
department or a county agency. 54762

(D) "Law enforcement agency" means the state highway patrol, 54763
an agency that employs peace officers as defined in section 109.71 54764
of the Revised Code, the adult parole authority, a county 54765
department of probation, a prosecuting attorney, the attorney 54766

general, similar agencies of other states, federal law enforcement 54767
agencies, and postal inspectors. "Law enforcement agency" includes 54768
the peace officers and other law enforcement officers employed by 54769
the agency. 54770

(E) "Medical assistance provided under a public assistance 54771
program" means medical assistance provided under the programs 54772
established under sections 5101.49, 5101.50 to 5101.503, and 54773
5101.51 to 5101.5110, Chapters 5111. and 5115., or any other 54774
provision of the Revised Code. 54775

(F) "Public assistance" means financial assistance, medical 54776
assistance, or social services provided under a program 54777
administered by the department of job and family services or a 54778
county agency pursuant to Chapter 329., 5101., 5104., 5107., 54779
5108., 5111., or 5115. of the Revised Code or an executive order 54780
issued under section 107.17 of the Revised Code. 54781

~~(F)~~(G) "Public assistance recipient" means an applicant for 54782
or recipient or former recipient of public assistance. 54783

Sec. 5101.27. (A) Except as permitted by this section, 54784
section 5101.28 or 5101.29 of the Revised Code, or the rules 54785
adopted under division (A) of section 5101.30 of the Revised Code, 54786
or required by federal law, no person or government entity shall 54787
solicit, disclose, receive, use, or knowingly permit, or 54788
participate in the use of any information regarding a public 54789
assistance recipient for any purpose not directly connected with 54790
the administration of a public assistance program. 54791

(B)~~(1)~~ To the extent permitted by federal law, the department 54792
of job and family services and county agencies shall ~~release~~ do 54793
both of the following: 54794

(1) Release information regarding a public assistance 54795
recipient for purposes directly connected to the administration of 54796

the program to a government entity responsible for administering a 54797
~~that~~ public assistance program ~~or any other state, federal, or~~ 54798
~~federally assisted program that provides cash or in-kind~~ 54799
~~assistance or services directly to individuals based on need or~~ 54800
~~for the purpose of protecting children to a government entity~~ 54801
~~responsible for administering a children's protective services~~ 54802
~~program.~~ 54803

(2) ~~To the extent permitted by federal law, the department~~ 54804
~~and county agencies shall provide~~ Provide information regarding a 54805
public assistance recipient to a law enforcement agency for the 54806
purpose of any investigation, prosecution, or criminal or civil 54807
proceeding relating to the administration of a ~~that~~ public 54808
assistance program. 54809

(C) To the extent permitted by federal law and section 54810
1347.08 of the Revised Code, the department and county agencies 54811
shall provide access to information regarding a public assistance 54812
recipient to all of the following: 54813

(1) The recipient; 54814

(2) The authorized representative, ~~as defined in rules~~ 54815
~~adopted under section 5101.30 of the Revised Code, of the~~ 54816
~~recipient;~~ 54817

(3) The ~~parent or~~ legal guardian of the recipient; 54818

(4) The attorney of the recipient, if the attorney has 54819
written authorization that complies with section 5101.271 of the 54820
Revised Code from the recipient. 54821

(D) To the extent permitted by federal law and subject to 54822
division (E) of this section, the department and county agencies 54823
may ~~release~~ do both of the following: 54824

(1) Release information about a public assistance recipient 54825
if the recipient gives voluntary, written ~~consent that~~ 54826

~~specifically identifies the persons or government entities to~~ 54827
~~which the information may be released.~~ 54828

The authorization that complies with section 5101.271 of the 54829
Revised Code; 54830

(2) Release information regarding a public assistance 54831
recipient to a state, federal, or federally assisted program that 54832
provides cash or in-kind assistance or services directly to 54833
individuals based on need or for the purpose of protecting 54834
children to a government entity responsible for administering a 54835
children's protective services program. 54836

(E) Except when the release is required by division (B), (C), 54837
or (D)(2) of this section, the department or county agency shall 54838
release the information only to the persons or government entities 54839
specified in the document evidencing consent. Consent may be 54840
time limited or ongoing, at the discretion of the individual 54841
giving it, and may be rescinded at any time; however, an 54842
individual cannot rescind consent retroactively. The document 54843
evidencing consent must state that consent may be rescinded in 54844
accordance with the authorization. The department or county agency 54845
shall provide, at no cost, a copy of each written authorization to 54846
the individual who signed it. 54847

(F) The department or a county agency may release information 54848
under this division (D) of this section concerning a the receipt 54849
of medical assistance provided under Chapter 5111. of the Revised 54850
Code a public assistance program only if both all of the following 54851
conditions are the case met: 54852

(1) The release of information is for purposes directly 54853
connected to the administration of programs created under Chapter 54854
5111. of the Revised Code or services provision of medical 54855
assistance provided under programs created under that chapter a 54856
public assistance program; 54857

(2) The information is released to persons or government entities that are subject to standards of confidentiality and safeguarding information substantially comparable to those established for ~~programs created under Chapter 5111. of the Revised Code~~ medical assistance provided under a public assistance program;

(3) The department or county agency has obtained an authorization consistent with section 5101.271 of the Revised Code.

(G) Information concerning the receipt of medical assistance provided under a public assistance program may be released only if the release complies with this section and rules adopted by the department pursuant to section 5101.30 of the Revised Code or, if more restrictive, the Health Insurance Portability and Accountability Act of 1996, Pub. L. No. 104-191, 110 Stat. 1955, 42 U.S.C. 1320d, et seq., as amended, and regulations adopted by the United States department of health and human services to implement the act.

(H) The department of job and family services may adopt rules defining "authorized representative" for purposes of division (C)(2) of this section.

Sec. 5101.271. (A) For the purposes of section 5101.27 of the Revised Code, an authorization shall be made on a form that uses language understandable to the average person and contains all of the following:

(1) A description of the information to be used or disclosed that identifies the information in a specific and meaningful fashion;

(2) The name or other specific identification of the person or class of persons authorized to make the requested use or

<u>disclosure;</u>	54888
<u>(3) The name or other specific identification of the person or governmental entity to which the information may be released;</u>	54889
<u>(4) A description of each purpose of the requested use or disclosure of the information;</u>	54890
<u>(5) The date on which the authorization expires or an event related either to the individual who is the subject of the request or to the purposes of the requested use or disclosure, the occurrence of which will cause the authorization to expire;</u>	54891
<u>(6) A statement that the information used or disclosed pursuant to the authorization may be disclosed by the recipient of the information and may no longer be protected from disclosure;</u>	54892
<u>(7) The signature of the individual or the individual's authorized representative and the date on which the authorization was signed;</u>	54893
<u>(8) If signed by an authorized representative, a description of the representative's authority to act for the individual;</u>	54894
<u>(9) A statement of the individual or authorized representative's right to prospectively revoke the written authorization in writing, along with one of the following:</u>	54895
<u>(a) A description of how the individual or authorized representative may revoke the authorization;</u>	54896
<u>(b) If the department of job and family services' privacy notice contains a description of how the individual or authorized representative may revoke the authorization, a reference to that privacy notice.</u>	54897
<u>(10) A statement that treatment, payment, enrollment, or eligibility for public assistance cannot be conditioned on signing the authorization unless the authorization is necessary for determining eligibility for the public assistance program.</u>	54898
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(B) When an individual requests information pursuant to section 5101.27 of the Revised Code regarding the individual's receipt of public assistance and does not wish to provide a statement of purpose, the statement "at request of the individual" is a sufficient description for purposes of division (A)(4) of this section. 54918
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Sec. 5101.28. ~~(A) The department of job and family services shall enter into written agreements with law enforcement agencies to exchange, obtain, or share~~ (1) On request of the department of job and family services or a county agency, a law enforcement agency shall provide information regarding public assistance recipients to enable the department, ~~or county agencies, and law enforcement agencies~~ agency to determine, for eligibility purposes, whether a recipient or a member of a recipient's assistance group is ~~either of the following:~~ 54924
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~~(1) A a fugitive felon;~~ 54933

~~(2) Violating felon or violating a condition of probation, a community control sanction, parole, or a post-release control sanction imposed under state or federal law.~~ 54934
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(2) A county agency may enter into a written agreement with a local law enforcement agency establishing procedures concerning access to information and providing for compliance with division (F) of this section. 54937
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~~(B) The~~ To the extent permitted by federal law, the department and county agencies shall provide information, except information directly related to the receipt of medical assistance or medical services, regarding recipients of public assistance under a program administered by the state department or a county agency pursuant to Chapter 5107., 5108., or 5115. of the Revised Code to law enforcement agencies on request for the purposes of 54941
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investigations, prosecutions, and criminal and civil proceedings 54948
that are within the scope of the law enforcement agencies' 54949
official duties. 54950

(C) Information about a recipient shall be exchanged, 54951
obtained, or shared only if the department, county agency, or law 54952
enforcement agency requesting the information gives sufficient 54953
information to specifically identify the recipient. In addition to 54954
the recipient's name, identifying information may include the 54955
recipient's current or last known address, social security number, 54956
other identifying number, age, gender, physical characteristics, 54957
any information specified in an agreement entered into under 54958
division (A) of this section, or any information considered 54959
appropriate by the department or agency. 54960

(D)(1) The department and its officers and employees are not 54961
liable in damages in a civil action for any injury, death, or loss 54962
to person or property that allegedly arises from the release of 54963
information in accordance with divisions (A), (B), and (C) of this 54964
section. This section does not affect any immunity or defense that 54965
the department and its officers and employees may be entitled to 54966
under another section of the Revised Code or the common law of 54967
this state, including section 9.86 of the Revised Code. 54968

(2) The county agencies and their employees are not liable in 54969
damages in a civil action for any injury, death, or loss to person 54970
or property that allegedly arises from the release of information 54971
in accordance with divisions (A), (B), and (C) of this section. 54972
"Employee" has the same meaning as in division (B) of section 54973
2744.01 of the Revised Code. This section does not affect any 54974
immunity or defense that the county agencies and their employees 54975
may be entitled to under another section of the Revised Code or 54976
the common law of this state, including section 2744.02 and 54977
division (A)(6) of section 2744.03 of the Revised Code. 54978

(E) To the extent permitted by federal law, the department 54979

and county agencies shall provide access to information to the 54980
auditor of state acting pursuant to Chapter 117. or sections 54981
5101.181 and 5101.182 of the Revised Code and to any other 54982
government entity authorized by ~~ex~~ federal law to conduct an audit 54983
of or similar activity involving a public assistance program. 54984

(F) The auditor of state shall prepare an annual report on 54985
the outcome of the agreements required under division (A) of this 54986
section. The report shall include the number of fugitive felons 54987
and probation and parole violators apprehended during the 54988
immediately preceding year as a result of the exchange of 54989
information pursuant to that division. The auditor of state shall 54990
file the report with the governor, the president and minority 54991
leader of the senate, and the speaker and minority leader of the 54992
house of representatives. The state department, county agencies, 54993
and law enforcement agencies shall cooperate with the auditor of 54994
state's office in gathering the information required under this 54995
division. 54996

(G) To the extent permitted by federal law, the department of 54997
job and family services, county departments of job and family 54998
services, and employees of the departments may report to a public 54999
children services agency or other appropriate agency information 55000
on known or suspected physical or mental injury, sexual abuse or 55001
exploitation, or negligent treatment or maltreatment, of a child 55002
receiving public assistance, if circumstances indicate that the 55003
child's health or welfare is threatened. 55004

Sec. 5101.35. (A) As used in this section: 55005

(1) "Agency" means the following entities that administer a 55006
family services program: 55007

(a) The department of job and family services; 55008

(b) A county department of job and family services; 55009

(c) A public children services agency; 55010

(d) A private or government entity administering, in whole or 55011
in part, a family services program for or on behalf of the 55012
department of job and family services or a county department of 55013
job and family services or public children services agency. 55014

(2) "Appellant" means an applicant, participant, former 55015
participant, recipient, or former recipient of a family services 55016
program who is entitled by federal or state law to a hearing 55017
regarding a decision or order of the agency that administers the 55018
program. 55019

(3) "Family services program" means assistance provided under 55020
a Title IV-A program as defined in section 5101.80 of the Revised 55021
Code or under Chapter 5104., 5111., or 5115. or section 173.35, 55022
5101.141, 5101.46, 5101.54, 5153.163, or 5153.165 of the Revised 55023
Code, other than assistance provided under section 5101.46 of the 55024
Revised Code by the department of mental health, the department of 55025
mental retardation and developmental disabilities, a board of 55026
alcohol, drug addiction, and mental health services, or a county 55027
board of mental retardation and developmental disabilities. 55028

(B) Except as provided ~~in~~ by division (G) of this section, an 55029
appellant who appeals under federal or state law a decision or 55030
order of an agency administering a family services program shall, 55031
at the appellant's request, be granted a state hearing by the 55032
department of job and family services. This state hearing shall be 55033
conducted in accordance with rules adopted under this section. The 55034
state hearing shall be tape-recorded, but neither the recording 55035
nor a transcript of the recording shall be part of the official 55036
record of the proceeding. A state hearing decision is binding upon 55037
the agency and department, unless it is reversed or modified on 55038
appeal to the director of job and family services or a court of 55039
common pleas. 55040

(C) Except as provided by division (G) of this section, an 55041
appellant who disagrees with a state hearing decision may make an 55042
administrative appeal to the director of job and family services 55043
in accordance with rules adopted under this section. This 55044
administrative appeal does not require a hearing, but the director 55045
or the director's designee shall review the state hearing decision 55046
and previous administrative action and may affirm, modify, remand, 55047
or reverse the state hearing decision. Any person designated to 55048
make an administrative appeal decision on behalf of the director 55049
shall have been admitted to the practice of law in this state. An 55050
administrative appeal decision is the final decision of the 55051
department and is binding upon the department and agency, unless 55052
it is reversed or modified on appeal to the court of common pleas. 55053

(D) An agency shall comply with a decision issued pursuant to 55054
division (B) or (C) of this section within the time limits 55055
established by rules adopted under this section. If a county 55056
department of job and family services or a public children 55057
services agency fails to comply within these time limits, the 55058
department may take action pursuant to section 5101.24 of the 55059
Revised Code. If another agency fails to comply within the time 55060
limits, the department may force compliance by withholding funds 55061
due the agency or imposing another sanction established by rules 55062
adopted under this section. 55063

(E) An appellant who disagrees with an administrative appeal 55064
decision of the director of job and family services or the 55065
director's designee issued under division (C) of this section may 55066
appeal from the decision to the court of common pleas pursuant to 55067
section 119.12 of the Revised Code. The appeal shall be governed 55068
by section 119.12 of the Revised Code except that: 55069

(1) The person may appeal to the court of common pleas of the 55070
county in which the person resides, or to the court of common 55071
pleas of Franklin county if the person does not reside in this 55072

state. 55073

(2) The person may apply to the court for designation as an 55074
indigent and, if the court grants this application, the appellant 55075
shall not be required to furnish the costs of the appeal. 55076

(3) The appellant shall mail the notice of appeal to the 55077
department of job and family services and file notice of appeal 55078
with the court within thirty days after the department mails the 55079
administrative appeal decision to the appellant. For good cause 55080
shown, the court may extend the time for mailing and filing notice 55081
of appeal, but such time shall not exceed six months from the date 55082
the department mails the administrative appeal decision. Filing 55083
notice of appeal with the court shall be the only act necessary to 55084
vest jurisdiction in the court. 55085

(4) The department shall be required to file a transcript of 55086
the testimony of the state hearing with the court only if the 55087
court orders the department to file the transcript. The court 55088
shall make such an order only if it finds that the department and 55089
the appellant are unable to stipulate to the facts of the case and 55090
that the transcript is essential to a determination of the appeal. 55091
The department shall file the transcript not later than thirty 55092
days after the day such an order is issued. 55093

(F) The department of job and family services shall adopt 55094
rules in accordance with Chapter 119. of the Revised Code to 55095
implement this section, including rules governing the following: 55096

(1) State hearings under division (B) of this section. The 55097
rules shall include provisions regarding notice of eligibility 55098
termination and the opportunity of an appellant appealing a 55099
decision or order of a county department of job and family 55100
services to request a county conference with the county department 55101
before the state hearing is held. 55102

(2) Administrative appeals under division (C) of this 55103

section; 55104

(3) Time limits for complying with a decision issued under 55105
division (B) or (C) of this section; 55106

(4) Sanctions that may be applied against an agency under 55107
division (D) of this section. 55108

(G) The department of job and family services may adopt rules 55109
in accordance with Chapter 119. of the Revised Code establishing 55110
~~in~~ an appeals process for an appellant who appeals a decision or 55111
order regarding a Title IV-A program identified under division 55112
(A)(3)(c) or (d) of section 5101.80 of the Revised Code that is 55113
different from the appeals process established by this section. 55114
The different appeals process may include having a state agency 55115
that administers the Title IV-A program pursuant to an interagency 55116
agreement entered into under section 5101.801 of the Revised Code 55117
administer the appeals process. 55118

(H) The requirements of Chapter 119. of the Revised Code 55119
apply to a state hearing or administrative appeal under this 55120
section only to the extent, if any, specifically provided by rules 55121
adopted under this section. 55122

Sec. 5101.36. Any application for public assistance gives a 55123
right of subrogation to the department of job and family services 55124
for any workers' compensation benefits payable to a person who is 55125
subject to a support order, as defined in section 3119.01 of the 55126
Revised Code, on behalf of the applicant, to the extent of any 55127
public assistance payments made on the applicant's behalf. If the 55128
director of job and family services, in consultation with a child 55129
support enforcement agency and the administrator of the bureau of 55130
workers' compensation, determines that a person responsible for 55131
support payments to a recipient of public assistance is receiving 55132
workers' compensation, the director shall notify the administrator 55133
of the amount of the benefit to be paid to the department of job 55134

and family services. 55135

For purposes of this section, "public assistance" means 55136
medical assistance provided through the medical assistance program 55137
established under section 5111.01 of the Revised Code; Ohio works 55138
first provided under Chapter 5107. of the Revised Code; 55139
prevention, retention, and contingency benefits and services 55140
provided under Chapter 5108. of the Revised Code; ~~or~~ disability 55141
financial assistance provided under Chapter 5115. of the Revised 55142
Code; or disability medical assistance provided under Chapter 55143
5115. of the Revised Code. 55144

Sec. 5101.46. (A) As used in this section: 55145

(1) "Title XX" means Title XX of the "Social Security Act," 55146
88 Stat. 2337 (1974), 42 U.S.C.A. 1397, as amended. 55147

(2) "Respective local agency" means, with respect to the 55148
department of job and family services, a county department of job 55149
and family services; with respect to the department of mental 55150
health, a board of alcohol, drug addiction, and mental health 55151
services; and with respect to the department of mental retardation 55152
and developmental disabilities, a county board of mental 55153
retardation and developmental disabilities. 55154

(3) "Federal poverty guidelines" means the poverty guidelines 55155
as revised annually by the United States department of health and 55156
human services in accordance with section 673(2) of the "Omnibus 55157
Budget Reconciliation Act of 1981," 95 Stat. 511, 42 U.S.C.A. 55158
9902, as amended, for a family size equal to the size of the 55159
family of the person whose income is being determined. 55160

(B) The departments of job and family services, mental 55161
health, and mental retardation and developmental disabilities, 55162
with their respective local agencies, shall administer the 55163
provision of social services funded through grants made under 55164

Title XX. The social services furnished with Title XX funds shall	55165
be directed at the following goals:	55166
(1) Achieving or maintaining economic self-support to	55167
prevent, reduce, or eliminate dependency;	55168
(2) Achieving or maintaining self-sufficiency, including	55169
reduction or prevention of dependency;	55170
(3) Preventing or remedying neglect, abuse, or exploitation	55171
of children and adults unable to protect their own interests, or	55172
preserving, rehabilitating, or reuniting families;	55173
(4) Preventing or reducing inappropriate institutional care	55174
by providing for community-based care, home-based care, or other	55175
forms of less intensive care;	55176
(5) Securing referral or admission for institutional care	55177
when other forms of care are not appropriate, or providing	55178
services to individuals in institutions.	55179
(C)(1) All federal funds received under Title XX shall be	55180
appropriated as follows:	55181
(a) Seventy-two and one-half per cent to the department of	55182
job and family services;	55183
(b) Twelve and ninety-three one-hundredths per cent to the	55184
department of mental health;	55185
(c) Fourteen and fifty-seven one-hundredths per cent to the	55186
department of mental retardation and developmental disabilities.	55187
(2) Each state department shall, subject to the approval of	55188
the controlling board, develop formulas for the distribution of	55189
their Title XX appropriations to their respective local agencies.	55190
The formulas shall take into account the total population of the	55191
area that is served by the agency, the percentage of the	55192
population in the area that falls below the federal poverty	55193
guidelines, and the agency's history of and ability to utilize	55194

Title XX funds.	55195
(3) Each of the state departments shall expend no more than three per cent of its Title XX appropriation for state administrative costs. Each of the department's respective local agencies shall expend no more than fourteen per cent of its Title XX appropriation for local administrative costs.	55196 55197 55198 55199 55200
(4) The department of job and family services shall expend no more than two per cent of its Title XX appropriation for the training of the following:	55201 55202 55203
(a) Employees of county departments of job and family services;	55204 55205
(b) Providers of services under contract with the state departments' respective local agencies;	55206 55207
(c) Employees of a public children services agency directly engaged in providing Title XX services.	55208 55209
(D) The department of job and family services shall prepare a biennial comprehensive Title XX social services plan on the intended use of Title XX funds. The department shall develop a method for obtaining public comment during the development of the plan and following its completion.	55210 55211 55212 55213 55214
For each state fiscal year, the department of job and family services shall prepare a report on the actual use of Title XX funds. The department shall make the report available for public inspection.	55215 55216 55217 55218
The departments of mental health and mental retardation and developmental disabilities shall prepare and submit to the department of job and family services the portions of each biennial plan and annual report that apply to services for mental health and mental retardation and developmental disabilities. Each respective local agency of the three state departments shall	55219 55220 55221 55222 55223 55224

submit information as necessary for the preparation of biennial 55225
plans and annual reports. 55226

(E) Each county department shall adopt a county profile for 55227
the administration and provision of Title XX social services in 55228
the county. In developing its county profile, the county 55229
department shall take into consideration the comments and 55230
recommendations received from the public by the county family 55231
services planning committee pursuant to section 329.06 of the 55232
Revised Code. As part of its preparation of the county profile, 55233
the county department may prepare a local needs report analyzing 55234
the need for Title XX social services. 55235

The county department shall submit the county profile to the 55236
board of county commissioners for its review. Once the county 55237
profile has been approved by the board, the county department 55238
shall file a copy of the county profile with the department of job 55239
and family services. The department shall approve the county 55240
profile if the department determines the profile provides for the 55241
Title XX social services to meet the goals specified in division 55242
(B) of this section. 55243

(F) Not less often than every two years, the departments of 55244
job and family services, mental health, and mental retardation and 55245
developmental disabilities each shall commission an entity 55246
independent of itself to conduct an audit of its Title XX 55247
expenditures in accordance with generally accepted auditing 55248
principles. Within thirty days following the completion of its 55249
audit, each department shall submit a copy of the audit to the 55250
general assembly and to the United States secretary of health and 55251
human services. 55252

(G) Any of the three state departments and their respective 55253
local agencies may require that an entity under contract to 55254
provide social services with Title XX funds submit to an audit on 55255
the basis of alleged misuse or improper accounting of funds. The 55256

three state departments and their respective local agencies may 55257
terminate or refuse to enter into a Title XX contract with a 55258
provider of social services if there are adverse findings in an 55259
audit that are the responsibility of the provider. The amount of 55260
any adverse findings shall not be reimbursed with Title XX funds. 55261
The cost of conducting an audit shall be reimbursed under a 55262
subsequent or amended Title XX contract with the provider. 55263

(H) If federal funds received by the department of job and 55264
family services for use under Chapters 5107. and 5108. of the 55265
Revised Code are transferred by the controlling board for use in 55266
providing social services under this section, the distribution and 55267
use of the funds are not subject to the provisions of division (C) 55268
of this section. The department may do one or both of the 55269
following with the funds: 55270

(1) Distribute the funds to the county departments of job and 55271
family services; 55272

(2) Use the funds for services that benefit individuals 55273
eligible for services consistent with the principles of Title IV-A 55274
of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 55275
301, as amended. 55276

(I) Except for the authority to adopt rules under division 55277
(J) of this section as necessary to carry out this division, this 55278
section does not apply to any distribution by the department of 55279
job and family services of funds for reimbursement of allowable 55280
Title XX expenditures when the funds for the reimbursement are 55281
received from a federal funding source other than Title XX. 55282

(J) The department of job and family services may adopt rules 55283
necessary to carry out the purposes of this section. Rules adopted 55284
under this division shall be adopted in accordance with Chapter 55285
119. of the Revised Code, unless they are internal management 55286
rules governing fiscal and administrative matters. Internal 55287

management rules may be adopted in accordance with section 111.15 55288
of the Revised Code. 55289

Sec. 5101.58. As used in this section and section 5101.59 of 55290
the Revised Code, "public assistance" means aid provided under 55291
Chapter 5111. or 5115. of the Revised Code and participation in 55292
the Ohio works first program established under Chapter 5107. of 55293
the Revised Code. 55294

The acceptance of public assistance gives a right of recovery 55295
to the department of job and family services and a county 55296
department of job and family services against the liability of a 55297
third party for the cost of medical services and care arising out 55298
of injury, disease, or disability of the public assistance 55299
recipient or participant. When an action or claim is brought 55300
against a third party by a public assistance recipient or 55301
participant, the entire amount of any settlement or compromise of 55302
the action or claim, or any court award or judgment, is subject to 55303
the recovery right of the department of job and family services or 55304
county department of job and family services. Except in the case 55305
of a recipient or participant who receives medical services or 55306
care through a managed care organization, the department's or 55307
county department's claim shall not exceed the amount of medical 55308
expenses paid by the departments on behalf of the recipient or 55309
participant. In the case of a recipient or participant who 55310
receives medical services or care through a managed care 55311
organization, the amount of the department's or county 55312
department's claim shall be the amount the managed care 55313
organization pays for medical services or care rendered to the 55314
recipient or participant, even if that amount is more than the 55315
amount the departments pay to the managed care organization for 55316
the recipient's or participant's medical services or care. Any 55317
settlement, compromise, judgment, or award that excludes the cost 55318
of medical services or care shall not preclude the departments 55319

from enforcing their rights under this section. 55320

Prior to initiating any recovery action, the recipient or 55321
participant, or the recipient's or participant's representative, 55322
shall disclose the identity of any third party against whom the 55323
recipient or participant has or may have a right of recovery. 55324
Disclosure shall be made to the department of job and family 55325
services when medical expenses have been paid pursuant to Chapter 55326
5111. or 5115. of the Revised Code. Disclosure shall be made to 55327
both the department of job and family services and the appropriate 55328
county department of job and family services when medical expenses 55329
have been paid pursuant to Chapter 5115. of the Revised Code. No 55330
settlement, compromise, judgment, or award or any recovery in any 55331
action or claim by a recipient or participant where the 55332
departments have a right of recovery shall be made final without 55333
first giving the appropriate departments notice and a reasonable 55334
opportunity to perfect their rights of recovery. If the 55335
departments are not given appropriate notice, the recipient or 55336
participant is liable to reimburse the departments for the 55337
recovery received to the extent of medical payments made by the 55338
departments. The departments shall be permitted to enforce their 55339
recovery rights against the third party even though they accepted 55340
prior payments in discharge of their rights under this section if, 55341
at the time the departments received such payments, they were not 55342
aware that additional medical expenses had been incurred but had 55343
not yet been paid by the departments. The third party becomes 55344
liable to the department of job and family services or county 55345
department of job and family services as soon as the third party 55346
is notified in writing of the valid claims for recovery under this 55347
section. 55348

The right of recovery does not apply to that portion of any 55349
judgment, award, settlement, or compromise of a claim, to the 55350
extent of attorneys' fees, costs, or other expenses incurred by a 55351

recipient or participant in securing the judgment, award, 55352
settlement, or compromise, or to the extent of medical, surgical, 55353
and hospital expenses paid by such recipient or participant from 55354
the recipient's or participant's own resources. Attorney fees and 55355
costs or other expenses in securing any recovery shall not be 55356
assessed against any claims of the departments. 55357

To enforce their recovery rights, the departments may do any 55358
of the following: 55359

(A) Intervene or join in any action or proceeding brought by 55360
the recipient or participant or on the recipient's or 55361
participant's behalf against any third party who may be liable for 55362
the cost of medical services and care arising out of the 55363
recipient's or participant's injury, disease, or disability; 55364

(B) Institute and pursue legal proceedings against any third 55365
party who may be liable for the cost of medical services and care 55366
arising out of the recipient's or participant's injury, disease, 55367
or disability; 55368

(C) Initiate legal proceedings in conjunction with the 55369
injured, diseased, or disabled recipient or participant or the 55370
recipient's or participant's legal representative. 55371

Recovery rights created by this section may be enforced 55372
separately or jointly by the department of job and family services 55373
and the county department of job and family services. 55374

The right of recovery given to the department under this 55375
section does not include rights to support from any other person 55376
assigned to the state under sections 5107.20 and ~~5115.13~~ 5115.07 55377
of the Revised Code, but includes payments made by a third party 55378
under contract with a person having a duty to support. 55379

The director of job and family services may adopt rules in 55380
accordance with Chapter 119. of the Revised Code the department 55381
considers necessary to implement this section. 55382

Sec. 5101.59. (A) The application for or acceptance of public 55383
assistance constitutes an automatic assignment of certain rights 55384
to the department of job and family services. This assignment 55385
includes the rights of the applicant, recipient, or participant 55386
and also the rights of any other member of the assistance group 55387
for whom the applicant, recipient, or participant can legally make 55388
an assignment. 55389

Pursuant to this section, the applicant, recipient, or 55390
participant assigns to the department any rights to medical 55391
support available to the applicant, recipient, or participant or 55392
for other members of the assistance group under an order of a 55393
court or administrative agency, and any rights to payments from 55394
any third party liable to pay for the cost of medical care and 55395
services arising out of injury, disease, or disability of the 55396
applicant, recipient, participant, or other members of the 55397
assistance group. 55398

Medicare benefits shall not be assigned pursuant to this 55399
section. Benefits assigned to the department by operation of this 55400
section are directly reimbursable to the department by liable 55401
third parties. 55402

(B) Refusal by the applicant, recipient, or participant to 55403
cooperate in obtaining medical support and payments for self or 55404
any other member of the assistance group renders the applicant, 55405
recipient, or participant ineligible for public assistance, unless 55406
cooperation is waived by the department. Eligibility shall 55407
continue for any individual who cannot legally assign the 55408
individual's own rights and who would have been eligible for 55409
public assistance but for the refusal to assign the individual's 55410
rights or to cooperate as required by this section by another 55411
person legally able to assign the individual's rights. 55412

If the applicant, recipient, or participant or any member of 55413

the assistance group becomes ineligible for public assistance, the 55414
department shall restore to the applicant, recipient, participant, 55415
or member of the assistance group any future rights to benefits 55416
assigned under this section. 55417

The rights of assignment given to the department under this 55418
section do not include rights to support assigned under section 55419
5107.20 or ~~5115.13~~ 5115.07 of the Revised Code. 55420

(C) The director of job and family services may adopt rules 55421
in accordance with Chapter 119. of the Revised Code to implement 55422
this section, including rules that specify what constitutes 55423
cooperating with efforts to obtain medical support and payments 55424
and when the cooperation requirement may be waived. 55425

Sec. 5101.75. (A) As used in sections 5101.75, 5101.751, 55426
5101.752, 5101.753, and 5101.754 of the Revised Code: 55427

(1) "Alternative source of long-term care" includes a 55428
residential care facility licensed under Chapter 3721. of the 55429
Revised Code, an adult care facility licensed under Chapter 3722. 55430
of the Revised Code, home and community-based services, and a 55431
nursing home licensed under Chapter 3721. of the Revised Code that 55432
is not a nursing facility. 55433

(2) "Medicaid" means the medical assistance program 55434
established under Chapter 5111. of the Revised Code. 55435

(3) "Nursing facility" has the same meaning as in section 55436
5111.20 of the Revised Code. 55437

(4) "Representative" means a person acting on behalf of an 55438
applicant for admission to a nursing facility. A representative 55439
may be a family member, attorney, hospital social worker, or any 55440
other person chosen to act on behalf of an applicant. 55441

(5) "Third-party payment source" means a third-party payer as 55442
defined in section 3901.38 of the Revised Code or medicaid. 55443

(B) Effective July 1, 1994, the department of job and family services may assess a person applying or intending to apply for admission to a nursing facility who is not an applicant for or recipient of medicaid to determine whether the person is in need of nursing facility services and whether an alternative source of long-term care is more appropriate for the person in meeting the person's physical, mental, and psychosocial needs than admission to the facility to which the person has applied.

Each assessment shall be performed by the department or an agency designated by the department under section 5101.751 of the Revised Code and shall be based on information provided by the person or the person's representative. It shall consider the person's physical, mental, and psychosocial needs and the availability and effectiveness of informal support and care. The department or designated agency shall determine the person's physical, mental, and psychosocial needs by using, to the maximum extent appropriate, information from the resident assessment instrument specified in rules adopted by the department under division (A) of section 5111.231 of the Revised Code. The department or designated agency shall also use the criteria and procedures established in rules adopted by the department under division (I) of this section. Assessments may be performed only by persons certified by the department under section 5101.752 of the Revised Code. The department or designated agency shall make a recommendation on the basis of the assessment and, not later than the time the assessment is required to be performed under division (D) of this section, give the person assessed written notice of the recommendation, which shall explain the basis for the recommendation. If the department or designated agency determines pursuant to an assessment that an alternative source of long-term care is more appropriate for the person than admission to the facility to which the person has applied, the department or

designated agency shall include in the notice possible sources of 55476
financial assistance for the alternative source of long-term care. 55477
If the department or designated agency has been informed that the 55478
person has a representative, it shall give the notice to the 55479
representative. 55480

(C) A person is not required to be assessed under division 55481
(B) of this section if any of the following apply: 55482

(1) The circumstances specified by rules adopted under 55483
division (I) of this section exist. 55484

(2) The person is to receive care in a nursing facility under 55485
a contract for continuing care as defined in section 173.13 of the 55486
Revised Code. 55487

(3) The person has a contractual right to admission to a 55488
nursing facility operated as part of a system of continuing care 55489
in conjunction with one or more facilities that provide a less 55490
intensive level of services, including a residential care facility 55491
licensed under Chapter 3721. of the Revised Code, an adult-care 55492
facility licensed under Chapter 3722. of the Revised Code, or an 55493
independent living arrangement; 55494

(4) The person is to receive continual care in a home for the 55495
aged exempt from taxation under section 5701.13 of the Revised 55496
Code; 55497

(5) The person is to receive care in the nursing facility for 55498
not more than fourteen days in order to provide temporary relief 55499
to the person's primary caregiver and the nursing facility 55500
notifies the department of the person's admittance not later than 55501
twenty-four hours after admitting the person; 55502

(6) The person is to be transferred from another nursing 55503
facility, unless the nursing facility from which or to which the 55504
person is to be transferred determines that the person's medical 55505
condition has changed substantially since the person's admission 55506

to the nursing facility from which the person is to be transferred 55507
or a review is required by a third-party payment source; 55508

(7) The person is to be readmitted to a nursing facility 55509
following a period of hospitalization, unless the hospital or 55510
nursing facility determines that the person's medical condition 55511
has changed substantially since the person's admission to the 55512
hospital, or a review is required by a third-party payment source; 55513

(8) The department or designated agency fails to complete an 55514
assessment within the time required by division (D) or (E) of this 55515
section or determines after a partial assessment that the person 55516
should be exempt from the assessment. 55517

(D) The department or designated agency shall perform a 55518
complete assessment, or, if circumstances provided by rules 55519
adopted under division (I) of this section exist, a partial 55520
assessment, as follows: 55521

(1) In the case of a hospitalized person applying or 55522
intending to apply to a nursing facility, not later than two 55523
working days after the person or the person's representative is 55524
notified that a bed is available in a nursing facility; 55525

(2) In the case of an emergency as determined in accordance 55526
with rules adopted under division (I) of this section, not later 55527
than one working day after the person or the person's 55528
representative is notified that a bed is available in a nursing 55529
facility; 55530

(3) In all other cases, not later than five calendar days 55531
after the person or the person's representative who submits the 55532
application is notified that a bed is available in a nursing 55533
facility. 55534

(E) If the department or designated agency conducts a partial 55535
assessment under division (D) of this section, it shall complete 55536
the rest of the assessment not later than one hundred eighty days 55537

after the date the person is admitted to the nursing facility 55538
unless the assessment entity determines the person should be 55539
exempt from the assessment. 55540

(F) A person assessed under this section or the person's 55541
representative may file a complaint with the department about the 55542
assessment process. The department shall work to resolve the 55543
complaint in accordance with rules adopted under division (I) of 55544
this section. 55545

(G) A person is not required to seek an alternative source of 55546
long-term care and may be admitted to or continue to reside in a 55547
nursing facility even though an alternative source of long-term 55548
care is available or the person is determined pursuant to an 55549
assessment under this section not to need nursing facility 55550
services. 55551

(H) No nursing facility ~~with~~ for which an operator has a 55552
provider agreement with the department under section 5111.22 of 55553
the Revised Code shall admit or retain any person, other than a 55554
person exempt from the assessment requirement as provided by 55555
division (C) of this section, as a resident unless the nursing 55556
facility has received evidence that a complete or partial 55557
assessment has been completed. 55558

(I) The director of job and family services shall adopt rules 55559
in accordance with Chapter 119. of the Revised Code to implement 55560
and administer this section. The rules shall include all of the 55561
following: 55562

(1) The information a person being assessed or the person's 55563
representative must provide to enable the department or designated 55564
agency to do the assessment; 55565

(2) Criteria to be used to determine whether a person is in 55566
need of nursing facility services; 55567

(3) Criteria to be used to determine whether an alternative 55568

source of long-term care is appropriate for the person being assessed;	55569 55570
(4) Criteria and procedures to be used to determine a person's physical, mental, and psychosocial needs;	55571 55572
(5) Criteria to be used to determine the effectiveness and continued availability of a person's current source of informal support and care;	55573 55574 55575
(6) Circumstances, in addition to those specified in division (C) of this section, under which a person is not required to be assessed;	55576 55577 55578
(7) Circumstances under which the department or designated agency may perform a partial assessment under division (D) of this section;	55579 55580 55581
(8) The method by which a situation will be determined to be an emergency for the purpose of division (D)(2) of this section;	55582 55583
(9) The method by which the department will attempt to resolve complaints filed under division (F) of this section.	55584 55585
(J) The director of job and family services may fine a nursing facility an amount determined by rules the director shall adopt in accordance with Chapter 119. of the Revised Code in either of the following circumstances:	55586 55587 55588 55589
(1) The nursing facility fails to notify the department within the required time about an admission described in division (C)(5) of this section;	55590 55591 55592
(2) The nursing facility admits, without evidence that a complete or partial assessment has been conducted, a person other than a person exempt from the assessment requirement as provided by division (C) of this section.	55593 55594 55595 55596
The director shall deposit all fines collected under this division into the residents protection fund established by section	55597 55598

5111.62 of the Revised Code.	55599
Sec. 5101.80. (A) As used in this section and in section	55600
5101.801 of the Revised Code:	55601
(1) "County family services agency" has the same meaning as	55602
in section 307.981 of the Revised Code.	55603
(2) "State agency" has the same meaning as in section 9.82 of	55604
the Revised Code.	55605
(3) "Title IV-A program" means all of the following that are	55606
funded in part with funds provided under the temporary assistance	55607
for needy families block grant established by Title IV-A of the	55608
"Social Security Act," 110 Stat. 2113 (1996), 42 U.S.C. 601, as	55609
amended:	55610
(a) The Ohio works first program established under Chapter	55611
5107. of the Revised Code;	55612
(b) The prevention, retention, and contingency program	55613
established under Chapter 5108. of the Revised Code;	55614
(c) A program established by the general assembly or an	55615
executive order issued by the governor that is administered or	55616
supervised by the department of job and family services pursuant	55617
to section 5101.801 of the Revised Code;	55618
(d) A component of a Title IV-A program identified under	55619
divisions (A)(3)(a) to (c) of this section that the Title IV-A	55620
state plan prepared under division (C)(1) of this section	55621
identifies as a component.	55622
(B) The department of job and family services shall act as	55623
the single state agency to administer and supervise the	55624
administration of Title IV-A programs. The Title IV-A state plan	55625
and amendments to the plan prepared under division (C) of this	55626
section are binding on county family services agencies and state	55627
agencies that administer a Title IV-A program. No county family	55628

services agency or state agency administering a Title IV-A program 55629
may establish, by rule or otherwise, a policy governing the Title 55630
IV-A program that is inconsistent with a Title IV-A program policy 55631
established, in rule or otherwise, by the director of job and 55632
family services. 55633

(C) The department of job and family services shall do all of 55634
the following: 55635

(1) Prepare and submit to the United States secretary of 55636
health and human services a Title IV-A state plan for Title IV-A 55637
programs; 55638

(2) Prepare and submit to the United States secretary of 55639
health and human services amendments to the Title IV-A state plan 55640
that the department determines necessary, including amendments 55641
necessary to implement Title IV-A programs identified in division 55642
(A)(3)(c) and (d) of this section; 55643

(3) Prescribe forms for applications, certificates, reports, 55644
records, and accounts of county family services agencies and state 55645
agencies administering a Title IV-A program, and other matters 55646
related to Title IV-A programs; 55647

(4) Make such reports, in such form and containing such 55648
information as the department may find necessary to assure the 55649
correctness and verification of such reports, regarding Title IV-A 55650
programs; 55651

(5) Require reports and information from each county family 55652
services agency and state agency administering a Title IV-A 55653
program as may be necessary or advisable regarding the Title IV-A 55654
program; 55655

(6) Afford a fair hearing in accordance with section 5101.35 55656
of the Revised Code to any applicant for, or participant or former 55657
participant of, a Title IV-A program aggrieved by a decision 55658
regarding the program; 55659

(7) Administer and expend, pursuant to Chapters 5104., 5107., 55660
and 5108. of the Revised Code and section 5101.801 of the Revised 55661
Code, any sums appropriated by the general assembly for the 55662
purpose of those chapters and section and all sums paid to the 55663
state by the secretary of the treasury of the United States as 55664
authorized by Title IV-A of the "Social Security Act," 110 Stat. 55665
2113 (1996), 42 U.S.C. 601, as amended; 55666

(8) Conduct investigations and audits as are necessary 55667
regarding Title IV-A programs; 55668

(9) Enter into reciprocal agreements with other states 55669
relative to the provision of Ohio works first and prevention, 55670
retention, and contingency to residents and nonresidents; 55671

(10) Contract with a private entity to conduct an independent 55672
on-going evaluation of the Ohio works first program and the 55673
prevention, retention, and contingency program. The contract must 55674
require the private entity to do all of the following: 55675

(a) Examine issues of process, practice, impact, and 55676
outcomes; 55677

(b) Study former participants of Ohio works first who have 55678
not participated in Ohio works first for at least one year to 55679
determine whether they are employed, the type of employment in 55680
which they are engaged, the amount of compensation they are 55681
receiving, whether their employer provides health insurance, 55682
whether and how often they have received benefits or services 55683
under the prevention, retention, and contingency program, and 55684
whether they are successfully self sufficient; 55685

(c) Provide the department with reports at times the 55686
department specifies. 55687

(11) Not later than January 1, 2001, and the first day of 55688
each January and July thereafter, prepare a report containing 55689

information on the following: 55690

(a) Individuals exhausting the time limits for participation 55691
in Ohio works first set forth in section 5107.18 of the Revised 55692
Code. 55693

(b) Individuals who have been exempted from the time limits 55694
set forth in section 5107.18 of the Revised Code and the reasons 55695
for the exemption. 55696

(12) Not later than January 1, 2001, and on a quarterly basis 55697
thereafter until December 1, 2003, prepare, to the extent the 55698
necessary data is available to the department, a report based on 55699
information determined under section 5107.80 of the Revised Code 55700
that states how many former Ohio works first participants entered 55701
the workforce during the most recent previous quarter for which 55702
the information is known and includes information regarding the 55703
earnings of those former participants. The report shall include a 55704
county-by-county breakdown and shall not contain the names or 55705
social security numbers of former participants. 55706

(13) To the extent authorized by section 5101.801 of the 55707
Revised Code, enter into interagency agreements with state 55708
agencies for the administration of Title IV-A programs identified 55709
under division (A)(3)(c) and (d) of this section. 55710

(D) The department shall provide copies of the reports it 55711
receives under division (C)(10) of this section and prepares under 55712
divisions (C)(11) and (12) of this section to the governor, the 55713
president and minority leader of the senate, and the speaker and 55714
minority leader of the house of representatives. The department 55715
shall provide copies of the reports to any private or government 55716
entity on request. 55717

(E) An authorized representative of the department or a 55718
county family services agency or state agency administering a 55719
Title IV-A program shall have access to all records and 55720

information bearing thereon for the purposes of investigations 55721
conducted pursuant to this section. 55722

Part I of this act continues in Part II. 55723

*** * * end of Part I * * *** 55724